

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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COMMONWEALTH OF MASSACHUSETTS,

v.

KAREN READ.

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* Docket No. 2282CR00117

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JURY TRIAL - VOIR DIRE HEARING
BEFORE THE HONORABLE BEVERLY CANNONE
MONDAY, APRIL 28, 2025

APPEARANCES:

For the Commonwealth:

BY: HANK BRENNAN, A.D.A.
ADAM LALLY, A.D.A.
LAURA MCLAUGHLIN, A.D.A.

For the defendant:

BY: DAVID YANNETTI, ESQ.
ALAN JACKSON, ESQ.
ELIZABETH LITTLE, ESQ.
ROBERT ALESSI, ESQ.

Dedham, Massachusetts
Courtroom 25

Christine D. Blankenship, CVR
Court Reporter/Transcriber

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
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Daniel Wolfe				
(By Mr. Brennan)	4		99	
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Andrew Rentschler				
(By Mr. Brennan)	115			

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1 (Court in session at 2:07 p.m.)

2 (Defendant is present with counsel.)

3 THE COURT: All right. So we know that the Commonwealth
4 has about filed, a few anyway, repeated motions trying to
5 get the defense to comply with reciprocal discovery
6 regarding the ARCCA witnesses.

7 Previously, about a month or so ago, maybe longer, I
8 found that there was a violation of the defendant's
9 obligations for reciprocal discovery, and I found that it
10 was deliberate. The Commonwealth filed an additional
11 motion, a motion to compel reciprocal discovery of the
12 ARCCA witnesses, or to exclude their testimonies. I upon
13 that review, I issued an order last week for certain
14 discovery to be provided and to be provided by ARCCA.

15 On the day of opening statements, it was clear to me
16 that there was another violation of the defendant's rules
17 and the defendant's obligations under our rules of criminal
18 procedure, and based on that, especially given what has the
19 defense has failed to deliver, I will not permit the
20 defense from mentioning ARCCA in their opening.

21 So today we're going to have an evidentiary hearing on
22 your motion, Mr. Brennan, so I expect that we will get
23 through both witnesses by the end of today. If not, we'll
24 have to have them back. So, Mr. Brennan, who are you going
25 with this first, Dr. Wolfe?

1 MR. BRENNAN: Please.

2 DANIEL WOLFE, sworn

3 THE COURT: All right. Go right ahead, Mr. Brennan.

4 MR. BRENNAN: Thank you.

5 **DIRECT EXAMINATION**

6 **BY MR. BRENNAN:**

7 Q Good afternoon, Doctor.

8 A Good afternoon.

9 Q Did you become aware that there was an order from this
10 Court to produce records?

11 A Yes.

12 Q Did you receive a copy of that order?

13 A Yes.

14 Q Who did you receive a copy of that order --

15 THE COURT: So we need Dr. Wolfe to identify himself.

16 MR. BRENNAN: Please identify yourself for the record
17 and spell your last name.

18 THE WITNESS: Daniel Wolfe, last name spelled
19 W-O-L-F-E.

20 Q Who did you received that order from?

21 A I believe it was in an email forwarded from Ms. Little.

22 Q Did you read it?

23 A Yes.

24 Q Did you understand that there was a request for certain
25 communications?

1 A Yes.

2 Q Did you understand that you were supposed to turn those
3 records over to the Superior Court?

4 A Yes.

5 Q Did you turn records over to the Superior Court?

6 A I provided a copy of that production notice to Ms.
7 Little.

8 Q Did you provide the records to the Superior Court?

9 A I didn't directly email it to the Court, no.

10 Q Did you indirectly email it to the Court?

11 A It was my understanding that it would be passed along
12 to the Court.

13 Q So you did not, pursuant to the order, provide the
14 records to the Superior Court, did you?

15 A Not directly to the Court, no.

16 Q When you read the order, you understood what the order
17 was requiring you to provide, correct?

18 A Correct.

19 Q It was requiring you to provide all text messages?

20 A Yes.

21 Q Did you provide all text messages?

22 A I don't have any in my possession.

23 Q Did you look for any text messages that are not in your
24 possession about this case?

25 A Yes.

1 Q Did you find any?

2 A No, sir.

3 Q What did you do to look?

4 A So I went through the phone that I presently have, and
5 as I informed Ms. Little, last year I was under T-Mobile is
6 my carrier. Subsequent to that I then switched to Verizon,
7 and I believe it was November, so I made an effort to
8 contact T-Mobile as well as get access to my T-Mobile
9 account hub. Unfortunately, I was unable to get access to
10 it or get any records prior to or at least from my T-Mobile
11 carrier. Then I went through my Verizon records that I
12 have from 2025. I could only go back three months, and I
13 provided those records.

14 Q How about emails? You didn't change email carriers,
15 did you?

16 A No, sir.

17 Q Did you provide all your emails from when you first
18 were contacted by the defense?

19 A Yes, sir.

20 Q You provided every one of those emails to whom?

21 A To -- it would have been in the file that I put
22 together for the production.

23 Q How many emails did you find between you and the
24 defense?

1 A I'd have to look at the order, but it was probably, I
2 don't know, six to -- are you talking about present-day or
3 just from last year?

4 Q Anytime.

5 A It was probably around a dozen or so.

6 Q Who did you correspond with by email for the defense?

7 A Again, can you specify a time frame?

8 Q At any time, who did you correspond with by email from
9 the defense?

10 A It would've been Mr. Jackson. Ms. Little might've been
11 on one of the emails. There might have been a couple of
12 other members. I don't remember off the top of my head.

13 Q Well, how about Ms. Read?

14 A I don't believe she was on any of those emails.

15 Q You've never emailed or been on a correspondence to her
16 by email?

17 A No, sir.

18 Q And how about Mr. Yannetti?

19 A He may have been -- on the one, one of the emails. I
20 don't know as I sit here today.

21 Q You communicated by phone with the defense, didn't you?

22 A Yes.

23 Q And that began as far back as March 2024?

24 A After a report was issued, yes, in March.

1 Q After March of 2024, you spoke on the phone to Mr.
2 Jackson?

3 A Yes, sir.

4 Q A number of times?

5 A Yes, sir.

6 Q And as you spoke, you began to become familiar with him
7 and his role in this case, didn't you?

8 A We corresponded about, again, our expected testimony
9 here at trial, yes.

10 Q I'll ask it again. Did you become familiar with him and
11 his role in this case when you spoke to him?

12 A I understood him to be the defense attorney on the
13 case, yes.

14 Q Did you speak to Ms. Little by phone?

15 A I don't believe so, no.

16 Q Did you speak to anybody --

17 THE COURT: Hold on, please. Can you close that window?

18 Q Did you speak -- pardon me.

19 Did you speak to anybody other than Mr. Jackson about
20 this case before the first trial?

21 A I don't believe so, no.

22 Q Did you speak to anybody since then --

23 A Yes.

24 Q -- from the defense team? Who?

25 A I believe Ms. Little and Mr. Alessi.

1 Q And how about Ms. Read?

2 A No, sir.

3 Q Did you ever have any conversations that weren't on a
4 regular telephone, like a Zoom?

5 A Yes, we have had I believe it was a Zoom or a Teams
6 meeting. We had a couple.

7 Q When was that?

8 A That would've been more recently. I took over some of
9 the testing that we've done.

10 Q Did you ever have any Zoom meetings before the first
11 trial?

12 A No, sir.

13 Q Did you ever have any group conferences before the
14 first trial?

15 A I don't believe so, no.

16 Q Were you ever on the phone before the first trial in a
17 conversation with you and Dr. Rentschler both were on the
18 call?

19 A There may have been an instance of that. I just don't
20 recall.

21 Q Well, think back.

22 A I don't recall.

23 Q At some point, you were contacted by Mr. Jackson and
24 you decided or you learned that you may be part of this
25 case as far as a witness?

1 A Yes, sir.

2 Q When you learned you were part of this case, did you
3 have contact with Mr. Jackson before you testified at the
4 voir dire?

5 A Did I have communications with him?

6 Q Yes.

7 A Yes.

8 Q And in those communications, you spoke about your role?

9 A I think we spoke about logistics and coordinating my
10 arrival for the voir dire and, certainly, the trial.

11 Q Well, when you spoke on March 20, 2024, didn't you talk
12 about more than coordination of logistics?

13 A I'm sorry. What was the date?

14 Q March 20, 2024.

15 A So I believe that would have been the very first phone
16 call that I had with Mr. Jackson.

17 Q Was that more than about logistics?

18 A Well, I think we were trying to figure out what should
19 we do. I will note that this was a very abnormal situation
20 for me being involved in a federal investigation and then
21 ultimately being called as a witness. Well, I'm trying to
22 answer your question.

23 Q But you're not. Did you talk --

24 MR. ALESSI: Excuse me, Your Honor. Would the witness
25 be allowed to answer?

1 THE COURT: So are you finished with your answer, Dr.
2 Wolfe, or are you still answering?

3 THE WITNESS: I was still trying to answer, Your Honor.

4 THE COURT: Go ahead. Finish.

5 THE WITNESS: Thank you.

6 A So as I mentioned, again, the situation was abnormal.
7 I didn't know if we could get involved. I didn't think Mr.
8 Jackson knew he could get involved. In terms of a path
9 forward, would be able to do more work, could we review
10 additional material, how could we work together moving
11 forward. There was a lot of unknowns, so there was a lot
12 of uncertainty.

13 Q Are you done?

14 A Yes, sir.

15 Q Did you talk about more than logistics?

16 A No, sir.

17 Q Did you talk about fees or structures?

18 A I described to him our typical procedure when we intake
19 a criminal defense case. Right. There's typically a
20 contract and retainer associated with that. So I described
21 our normal procedure that takes place, yes.

22 Q So you talked about fees and scheduling and then costs,
23 what you'd charge him?

24 A I did talk about, yes, the contract and retention
25 letter.

1 Q When you talked about that contract, there was a
2 discussion, wasn't there, about them hiring you, paying
3 you, or retaining you?

4 A Potentially. Again, I prescribe our standard
5 procedure.

6 Q Why was it you were talking about fees and schedules if
7 you didn't think you were potentially going to get hired?

8 A Again, I prescribed our normal operating procedure. I
9 had no idea how it was going to work moving forward, which
10 is why ultimately, immediately after that phone call, I
11 contacted the Department of Justice to get clarification on
12 that.

13 Q We'll get to that, but I'm asking you specifically, why
14 are you talking about fees and scheduling and being paid at
15 that point?

16 MR. ALESSI: Objection, Your Honor.

17 THE COURT: I'm going to allow it.

18 A Again, because Mr. Jackson was interested, I believe,
19 in calling us to testify at trial. So I explained to us
20 the normal process - when a client reaches out and wants to
21 engage us for trial testimony, that's typically, again, the
22 procedure that we prescribe at ARCCA. So that's why I had
23 that explanation to him.

24 Q So you were talking to him about details about
25 potentially being hired; isn't that fair to say?

1 A I don't know about being hired. I think, again, him
2 utilizing us in the trial as expert witnesses.

3 Q Well, what's the difference between him utilizing you
4 and paying you for that utilization, and him actually
5 hiring you? What's the difference in your mind?

6 A Well, I think there is a difference because ultimately
7 I got clarification from the Department of Justice, they
8 indicated that they could not, the defense, sign any
9 contract. There could not be any type of agreement or a
10 retainer.

11 Q I'm not asking what you determined later. I'm talking
12 about the conversation you had on March 20, 2022, when you
13 were speaking to Attorney Jackson. That's what I'm talking
14 but, okay? Understand?

15 A I don't know that I understand your question.

16 Q When you had a conversation on March 20, 2022, with
17 Attorney Jackson, you discussed potentially hired, paid,
18 compensated by Attorney Jackson or the defense for this
19 case, didn't you?

20 A We did, like, I said, I did explain to him our typical
21 operating procedure when a case -- when a client reaches
22 out for trial testimony. I went over that with him, yes.

23 Q I'm not talking about a client. I'm talking about this
24 client. Did you talk about them potentially hiring or

1 retaining you for work in this case? That's the question
2 I'm asking you.

3 On March 20, 2022, not the 22nd, not the 24th, March
4 20, 2024, did you speak to Attorney Jackson about them
5 potentially retaining or hiring you for this case?

6 A I spoke to him like I speak to any other client that
7 would be interested in calling us as a witness.

8 Q And so after you spoke to them, you spoke to
9 representatives of the United States Attorney's Office, and
10 you wrote an email back saying that you were going to put
11 the conversation on whole; is that fair to say?

12 A Correct. Until I got clarification from them.

13 Q At some point it was on "unhold", right? At some
14 point via Zoom?

15 A Yes.

16 Q When was that?

17 A That would have been towards I believe the end of
18 April.

19 Q The end of April, how was this relationship resumed?
20 What was the contact, the conversation between you and
21 anybody on the defense that resumed that relationship?

22 A I think that I reached out to Mr. Jackson. Like I
23 said, it looks like a month had passed, and I had let him
24 know that I had spoken to the DOJ and got clarification on
25 moving forward.

1 Q So in April of 2024, you reach out to the defendant
2 that you had permission or a green light to move forward in
3 the relationship with the defense in this case?

4 A I had clarification from the Department of Justice,
5 yes.

6 Q And that clarification allowed you, then to work with
7 the defense on this case?

8 A Not work with. We could be called on the defense's
9 behalf to testify, and for that matter, the Commonwealth
10 could've also contacted us and utilize us at trial as well
11 if they should please.

12 Q So when did you become an advocate for the defense?

13 MR. ALESSI: Objection, Your Honor.

14 THE COURT: Sustained.

15 Q Do you feel like you're an advocate for the defense?

16 A No, sir.

17 Q Are you sure about that?

18 A Sir, I'm on the science and the analysis that I've
19 done. That's the side that I'm on.

20 Q You sure are. Because after that 4/24 call letting
21 them know that these United States Attorney's Office gave
22 permission to you to be called as a witness, you called
23 them again that day, didn't you, or they called you on the
24 mainline?

25 A We may have exchanged a couple of calls that day, yes.

1 Q Well, you did exchange a couple calls that day because
2 we have at least some records.

3 And when you called later that day after telling them
4 that you had the permission they could use you as
5 witnesses, what did you talk about?

6 A Do you have the records just so I could take a look at
7 just so I could see what you're referring to?

8 Q Do you remember having calls after you called Attorney
9 Jackson and said you had the green light from US Attorney's
10 Office, do you remember having further calls that day?

11 A I think we had a couple of brief conversations, yes.

12 Q Okay. When you think about it, do you remember them, or
13 are you just saying you think but you don't know?

14 A I don't remember. I remember that there was one
15 conversation I believe in early May that I had with Mr.
16 Jackson in which we engaged in a conversation where I gave
17 him more information about my background, who ARCCA was as
18 a whole. I think we even got to talk a little bit about my
19 family, my four kids, and things of that nature, but it was
20 a call about background and qualifications.

21 Q We're still back in April. You're moving ahead to May
22 when you first started billing. I want to talk about back
23 in April. Do you remember having conversations on April
24 24?

25 MR. ALESSI: Objection, Your Honor.

1 Q With Mr. Jackson, do you remember that?

2 THE COURT: I'm going to allow that.

3 A I remember that there were conversations, yes.

4 Specifically what they were to, I remember I think they
5 were brief, but I don't remember the specifics of them, no.

6 Q From the brief conversation, what do you briefly
7 remember about that brief conversation, Doctor?

8 A Well, as I mentioned, I think I had finally received
9 clarification from the DOJ, so I think I was letting him
10 know that I had received that clarification.

11 Q Sir, you said that that was the first call. There were
12 more than one call. There was then two calls to the
13 mainline.

14 What did you discuss with him during those calls?

15 A Well, to be honest with you, the call to the ARCCA
16 mainline, I don't even know if I spoke with him. That's
17 just to the mainline, not to me directly. So he could have
18 spoken to a receptionist who then tried to get ahold of me,
19 right. So I don't know if that specific call to the main
20 line was to me or someone else at ARCCA.

21 Q Well, this is a new relationship, right? You were
22 working on a contract with the federal government. You
23 have only spoken to Mr. Jackson, according to you, twice.
24 You don't remember the early conversations with them and
25 what they were about?

1 A I'm sorry. Are we talk about now at the end of April,
2 still?

3 Q Still talking in April. April 24, 2024.

4 A Yeah, as I just discussed with you, from what I recall,
5 it was relaying to him the clarification that I got from
6 the Department of Justice.

7 Q Right. But that doesn't take more than one call, does
8 it?

9 A I don't know. He may have been in court. There
10 might've been some phone tag. I don't know, sir.

11 Q Well, there was a nine minute call on April 21, and
12 then there's two calls to the ARCCA main line, three
13 minutes and two minutes.

14 Do you remember any of those calls?

15 A Again, when you say three minutes and two minutes, that
16 makes it sound like in all likelihood he contacted the
17 ARCCA mainline, got ahold of a receptionist or my project
18 manager and couldn't get ahold of me.

19 Q Are you just making that up or that's what happened?

20 A Sir, that is my best guess. I don't recall from a year
21 ago.

22 Q I'm not asking you to guess. I'm asking for your
23 testimony.

24 A That's what I recall, sir.

1 Q You recall him calling a secretary on the mainline.

2 That's what you recall?

3 A He very well could have. I just don't know, sir.

4 Q But you're making a representation that you recall him
5 using a secretary in the mainline. I'm asking what you
6 actually did and actually said. Do you remember speaking
7 to Mr. Jackson -- excuse me -- Mr. Jackson or anybody on
8 the defense team after that initial call back on April 24,
9 2024, do you remember those two phone calls?

10 MR. ALESSI: Objection, Your Honor.

11 THE COURT: So let's get an answer.

12 A I don't remember those phone calls specifically, no,
13 sir.

14 THE COURT: Next question, Mr. Brennan.

15 Q Do you remember the phone call on April 30, 2024? Do
16 you remember that one?

17 A I don't remember that call, sir.

18 Q Do you remember the call on May 1, 2024?

19 A I don't have the records in front of me, but was that a
20 longer call by any chance?

21 Q It was 40 minutes long.

22 A Okay. So then, yes, as I just described earlier, that
23 would have been the call in which I went over with Mr.
24 Jackson a little bit more about ARCCA, my background, my

1 education, qualification, the kind of casework that I do.
2 Things of that nature.

3 Q And did you discuss issues regarding this case?

4 A No, sir.

5 Q So during the 40 minutes you spoke, you never discussed
6 any of your findings that had already been made?

7 A No, sir.

8 Q You had never discussed any of your testing in this
9 case during that 40 minute conversation?

10 A No, sir, and it was all laid out in the report that was
11 issued in February.

12 Q I'm asking you, did you have any conversations about it
13 with the defense?

14 A No, sir.

15 Q So that 40 minute conversation, you talked about your
16 family, your pastimes, ARCCA but never, ever talked about
17 this case?

18 MR. ALESSI: Objection, Your Honor.

19 THE COURT: I'm going to allow it.

20 A Correct.

21 Q You billed for that time, didn't you?

22 A I believe that I kept track of that time, yes.

23 Q Okay. When you kept track of the time, do you submit
24 that time and ultimately get money for that time?

1 A Again, I routinely keep track of my time when I'm
2 working on a project. So, yes, that time was kept track.

3 Q That's not what I'm asking you. Ultimately, that time
4 you kept track of, did you then submit it and get paid and
5 compensated for that time? That's what I'm asking you.

6 A Well, first off, I'm a salaried employee so I don't get
7 direct compensation when an invoice goes out. That invoice
8 when it's sent ultimately comes back to ARCCA. That
9 doesn't come back to Dan Wolfe.

10 Q Okay. So in order to get paid for that, you would have
11 to had submit that time through ARCCA to then forward it,
12 wouldn't you?

13 MR. ALESSI: Objection, Your Honor.

14 THE COURT: I'm going to allow it. Is that true?

15 A Yes, yes, I keep track of my time so that my boss knows
16 what I'm doing, yes.

17 MR. ALESSI: Your Honor, can we approach, please?

18 THE COURT: Who asked me that?

19 MR. ALESSI: Me, Your Honor.

20 THE COURT: Yes, come on over.

21 MR. ALESSI: Thank you.

22 THE COURT: You need to stand up, Mr. Alessi.

23 MR. ALESSI: Yes, Your Honor.

24 (Sidebar commences:

1 THE COURT: So I was taking notes and I didn't see who
2 said it.

3 MR. ALESSI: I had stood up, but I went and sat back
4 down.

5 THE COURT: Okay.

6 MR. ALESSI: Your Honor, Mr. Brennan multiple times is
7 assuming facts not in evidence, that's why I keep
8 objecting. He's saying, "got paid for your time." This
9 witness got paid for your time. The last question was,
10 "And you got paid for your time." He's not getting paid
11 for his time. He's a salaried employee, and more
12 importantly, the relationship at this time this witness has
13 established was with the federal government. That's who
14 was paying him, so the record is incredibly misleading at
15 this point. When he says later got paid for your time. He
16 never gets paid for his time. And until the invoice came
17 in July, there's no understanding of this witness that
18 anybody from the defense is paying him. That's the basis
19 for the objection.

20 MR. BRENNAN: That's his argument, but there is billing
21 on May 1, 2024, that was then compensated. Because he was
22 talking about that May 1, so I'm not sure why we're
23 interrupting this. I'm just asking about --

1 MR. ALESSI: Your Honor, it's assuming in his question
2 that the defense is paying him at the time of April. At
3 the time of April, the federal --

4 MR. BRENNAN: May 1.

5 MS. LAUGHLIN: We have the invoice.

6 THE COURT: All right. We're going to go back. Your
7 objection is overruled. Let's keep going.
8 end of sidebar.)

9 Q Doctor, again, to focus you, we're on May 1, 2024. May
10 1, 2024, you had a conversation with Attorney Jackson?

11 A Correct.

12 Q And at some point, did you submit the time you spent
13 and forwarded it so that that could be billed?

14 A Yes, and I will note that all of that time was actually
15 tracked under the same project number that the work that
16 was done for the Department of Justice was under.

17 Q So at the time you had that conversation, you were
18 keeping track of hours, correct?

19 A Something I routinely do, yes.

20 Q And do you know who ultimately paid that bill for that
21 day, May 1, 2024?

22 A I know now that it was the defense, yes.

23 Q Now, when you billed, did you bill for the entire
24 conversation?

25 A I don't know.

1 Q You said most of the conversation was background,
2 talking about ARCCA, talking about your families?

3 A Yes.

4 Q Do you typically bill clients when you're spending time
5 talking about your families?

6 A Again, that wasn't the entirety of the conversation. I
7 think he just briefly asked me about my family.

8 Q Now it's brief. Okay.

9 MR. ALESSI: Objection, Your Honor.

10 THE COURT: No comments, please.

11 Q Do you typically charge when you're talking about
12 nonrelated work matters when you're billing?

13 A Sir, I think the majority of that phone call was
14 related to, again, work-related topics.

15 Q Work-related, it took that much to talk about ARCCA?

16 A And my background, certainly.

17 Q And how much was the majority of that?

18 A Sir, I don't know that I can parse it out in individual
19 segments or minutes for you.

20 Q And so after that May 1, conversation, did you
21 communicate with the defense before June 9, 2024?

22 A I don't believe so. I think from what I recall next up
23 was I think the voir dire. Either Alan -- I think Alan
24 contacted me letting me know that the Court wanted to do a
25 voir dire of myself and Dr. Rentschler.

1 Q When you mean Alan, you mean Attorney Jackson?

2 A Yes, sir.

3 Q So you became friendly?

4 A I guess first name basis. Is that what you're
5 referring to?

6 Q I'm saying, did you become friendly?

7 A No, I wouldn't say that we were friends.

8 Q I didn't ask if you were friends. I asked did you
9 become friendly?

10 A I talk to him like I talk to all of the attorneys that
11 I work with, sir.

12 Q What would you call me if you were going to address me?

13 A Probably Mr. Brennan.

14 Q So do you remember the next time you spoke to Alan?

15 A As I mentioned, it probably would've been sometime in
16 early or mid-June.

17 Q Going into June, you were keeping track of all of your
18 communications with Attorney Jackson or anybody through the
19 defense, weren't you?

20 A I don't know if you mean -- what do you mean by keeping
21 track?

22 Q Do you have a folder where you make notes when you have
23 communications with an attorney and discuss issues?

24 A No, sir.

25 Q You don't make notes?

1 A Not for brief phone calls, no.

2 Q For your billing statement, do you save phone records
3 or text messages so you have some collateral evidence about
4 the billing?

5 A No, not when it's things about, again, logistics and
6 traveling and scheduling, no, sir.

7 Q By the way when you put together your phone records and
8 text messages that you sent to the Court in response to the
9 court order, did you have actual records?

10 A What do you mean in terms of actual records?

11 Q Well, I see like a summary chart that was developed.
12 Who developed that summary chart?

13 A So that was, again, as I mentioned earlier, I was
14 unfortunately unable to pull anything from T-Mobile. I
15 just could not just get access. Then what I did is I
16 logged into my personal Verizon phone records, and I was
17 able to go back for three months. I couldn't get back to
18 December, but -- and then I pulled I download the
19 spreadsheets and I extracted those rows and provided that.

20 Q Did you provide the actual records or just the
21 spreadsheet?

22 A Well, I provided the spreadsheet which was pulled from
23 the records. I would've had to redact a lot of phone
24 numbers if I was to put in the full extraction, if you
25 will.

1 Q So you didn't provide the full extraction?

2 A I provided the full extraction as it relates to all the
3 contact between myself and Mr. Jackson and Ms. Little.

4 Q Do you ever delete texts?

5 A From last year?

6 Q Yes.

7 A Yes.

8 Q After you had text messages with the defense, did you
9 delete those texts?

10 A After the trial concluded, I mean, that is something I
11 routinely do. I'm not going to keep texts from Mr.
12 Jackson, especially now that we're past a year, I would
13 have no reason to keep those, sir.

14 Q I'm not asking for the excuse. I'm asking if you did
15 it. Did you delete texts?

16 A Again, it's something that I typically do. I
17 communicate with attorneys all the time, whether it's for
18 trial or inspections. I don't have a habit of keeping a
19 text chain about scheduling or meeting or, hey, can we meet
20 at this time, or show up here. I just don't have a habit
21 of keeping that type of text. He's not my friend, sir.

22 Q So you didn't delete texts?

23 A I think I just told you that, yes, I did delete the
24 texts.

25 Q You didn't tell me, but you just did now. Thank you.

1 MR. ALESSI: Objection, Your Honor.

2 THE COURT: So next question. No comments, Mr.

3 Brennan.

4 Q How many texts did you delete, the communications with
5 the defense?

6 A I don't know the number, sir.

7 Q You don't know the number?

8 A I don't have the text. Sir, you're asking me over a
9 year ago almost about text messages. I don't recall how
10 many there were.

11 Q All right. Was it ten, a hundred, a thousand? How many
12 were there?

13 A Of ones that I sent?

14 Q Either -- no, not just what you sent. Either way, back
15 and forth?

16 A Probably, I don't know, maybe around 100 or so.

17 Q And when did you delete those over 100 texts between
18 you and the defense?

19 A As I mentioned, I think the last text that I remember
20 was Mr. Jackson texting me just thanking me for my time
21 coming up here after the trial. Again, that was at the end
22 of June, and then I didn't hear from him, and at some
23 point, I don't know specifically when, it would have been
24 last year, but I deleted those texts. There was no reason
25 for me to keep those, sir.

1 Q Do you remember about when you made the affirmative,
2 intentional effort to delete around 100 text messages
3 between you and the defense?

4 A It would've been sometime after the trial, probably
5 before I got my new phone in November, but it would have
6 been probably in the month or two after the trial, sir.

7 Q Where were you when you were deleting these texts?
8 Were you at your office, at home, do you remember sitting
9 down and deciding intentionally you were going to delete
10 over 100 texts? When did that decision happened?

11 A I have no idea, sir.

12 Q You can't remember deleting over 100 texts --

13 A Sir, I just said I delete texts, routinely. You're
14 asking me to specifically give you a location, a time when
15 I deleted those. I don't recall that.

16 Q You said it was after the trial?

17 A Yes.

18 Q And out of the so 100 texts or so, who were you texting
19 on the defense team?

20 A I believe it would have just been Mr. Jackson on that.

21 Q Did you ever communicate by any other means like Signal
22 or an application?

23 A During the time of the trial?

24 Q Any time.

25 A Yes, sir.

1 Q With the defense?

2 A Yes.

3 Q Is it typical for a biomechanical engineer to use an
4 application like Signal to talk to an attorney on a case?

5 A Sure.

6 Q You know the benefit of Signal, don't you?

7 A I mean, it's a messaging platform, yes.

8 Q It's an encrypted app, isn't it?

9 THE COURT: What was that?

10 Q It's encrypted?

11 A I don't know, sir.

12 Q It keeps no record of the communication when you use an
13 application like Signal, does it?

14 A I don't know, sir.

15 Q Well, you used it. Did you have it on your phone that
16 you were using it with other people?

17 A No, I don't believe so.

18 Q So the only time that you use Signal in your career is
19 when you were dealing with this defense team?

20 A Yes, it was in earlier this year, Mr. Jackson had
21 communicated with me indicating that it was his preferred
22 method of communication. So, yes, we did exchange some
23 messages on Signal. But this was at no point time during
24 the first trial.

25 Q Using the Signal app, was that your suggestion?

1 A No, again, I think it was Mr. Jackson that said it was
2 his preferred method.

3 Q Is that standard in your industry to use Signal when
4 you're talking to clients?

5 A I don't know that there's a standard out there, sir.

6 Q I'm asking about your standard. Is it your standard to
7 use an encrypted app when you're talking to attorneys?

8 A If the client has that preference, I don't have a
9 problem with it, sir.

10 Q How many times have you done it other than this defense
11 team?

12 A Again, as I just mentioned, it was the first time.

13 Q How many conversations do you think you had with the
14 defense team by Signal?

15 A Again, it would've been just Mr. Jackson and like I
16 said, it was really I think just in the month of March of
17 this year, but it was brief. I know that we -- I think we
18 exchanged a couple of phone calls, and I remember the call
19 quality was terrible. So we didn't really use it that
20 much.

21 Q Okay. You're saying a lot of things. You're saying you
22 think. I want to know your best memory. I don't want you
23 to think. If you don't know, you don't know.

24 How many times did you use Signal with the defense to
25 talk about this case?

1 MR. ALESSI: Objection, Your Honor.

2 THE COURT: I'm going to allow it.

3 A From what I recall, it was probably a handful of times.

4 Q And you say what you recall, are you purposely being
5 vague in case there's records, or do you not remember?

6 A I don't remember, sir. As you mentioned, it doesn't
7 keep a log of it, so I just don't recall.

8 Q You cannot -- you don't have to rely on a log. You can
9 rely on your actual memory.

10 A Right. I'm telling you I didn't keep track of it, so I
11 don't know the specific number.

12 Q How many times do you think you talked by Signal?

13 A As I mentioned I think it was a handful of times.

14 Q I don't know what a handful means.

15 A Probably around -- probably four to five.

16 Q Well, was it four or was it five?

17 A It was probably four to five. It's the best estimate I
18 can give you.

19 Q How long were the conversations on Signal the four to
20 five times?

21 A I think they were pretty brief. I'd say probably by
22 around five minutes or so.

23 Q Do you think each one was minutes?

24 A Probably five minutes, yes.

1 Q Were you putting it on a timer? Each one had to be a
2 maximum of five minutes?

3 A No, I'm just giving you my best estimate, sir.

4 Q How certain are you that the Signal calls were four to
5 five minutes?

6 A Again, I just told you, I'm providing my best estimate.

7 Q How confident are you the times were between four and
8 five minutes?

9 A That's the best answer I can give you, sir. I'm giving
10 you my best estimate.

11 Q I'm asking you how confident you are.

12 MR. ALESSI: Objection, Your Honor.

13 THE COURT: Can you answer that? How confident are
14 you, Dr. Wolfe?

15 THE WITNESS: I can't answer that any more
16 specifically.

17 THE COURT: Okay. Next question.

18 Q When you were required by court order to provide all of
19 the records to Your Honor, you knew that one of the
20 important things you need to respond to are communications
21 between you and the defense for Her Honor to consider,
22 right?

23 A Yes.

24 Q And Signal is a communication, isn't it?

25 A Certainly.

1 Q You looked at all your records, and you knew it was
2 through the text messages and the phone calls, you knew
3 that, right?

4 A Yes.

5 Q You knew that was going to be a representation that you
6 were making to the Court about your communications with
7 defense. You understood that, didn't you?

8 A Yes, sir.

9 Q And you wouldn't want to mislead the Court, would you?

10 A No, which is why I told you.

11 Q I asked. You didn't put anywhere in your response to
12 the court order that there were communications beyond text
13 messages and phone calls. You never, ever alerted the
14 Court or anybody that, did you?

15 A Again, because I have no record of it. I have no way
16 of being able to tell when those took place or how many
17 there were.

18 Q The question I asked you is when you responded to the
19 court order to provide all communications, all
20 communications, and you responded by offering text messages
21 and you responded by listing phone calls, you knew that
22 your Signal calls were communications, didn't you?

23 A I provide everything that I had in my possession, sir.

24 Q That's not what I'm asking you. You knew the Signal
25 calls were communications, didn't you?

1 A Yes.

2 Q And you never replied informed in your response that
3 there were phone calls through Signal as part of your
4 communications, did you?

5 A Again, because I had no -- I didn't have any record
6 like I do with the Verizon entries as well as the emails.
7 I could not -- there's nothing that I had in my possession,
8 sir.

9 Q You've read this court order, haven't you?

10 A Yes.

11 Q Did you understand when the Court was looking for all
12 communications, it meant all communications?

13 A And I've provided everything that I have in my
14 possession, sir.

15 Q During those four to five Signal communications, did
16 any of these occur before the end of the last trial?

17 A I'm sorry. Can you repeat that?

18 Q Did any of these Signal communications happen before
19 the end of the last trial?

20 A No, like I said, they were all this year.

21 Q Are you sure about that?

22 A Yes.

23 Q Now, at some point did the defense send you a retainer
24 agreement?

25 A For this year?

1 Q Nope. Prior to the end of the last trial, did you ever
2 get a retainer agreement?

3 A No, there was no contract and retainer for the first
4 trial.

5 Q It wasn't a contract. Did you ever receive a retainer
6 agreement?

7 A No, I don't believe so.

8 Q When you came out to the last voir dire in the last
9 trial, did you have an agreement with any entity that was
10 going to pay for your costs?

11 A No, sir.

12 Q So you had no agreement that you were going to be
13 refunded or compensated for your costs?

14 A No.

15 Q Did you have any agreement that you were going to be
16 compensated for your time?

17 A No.

18 Q So when you were asked to come out and testify in this
19 case, tell me, did you think that the defense was going to
20 compensate you for the costs of coming out here?

21 A I had no idea who was ultimately going to pay the
22 invoice, if an invoice was even sent.

23 Q Did you think that you were coming out here to testify
24 for free?

1 A Again, I don't know who was going to pay the bill. I'm
2 not --

3 Q That's not what I'm asking you. I want to know, after
4 having these conversations with the defense, and they asked
5 you to come out here, did you expect to be compensated for
6 your time?

7 A Again, I'm a salaried employee, so it doesn't matter to
8 me. I'm sure my boss would us to get paid, but, no, did
9 not didn't know ultimately who would pay an invoice if an
10 invoice was sent after the trial.

11 Q But you were keeping track of your billing, weren't
12 you?

13 A I was keeping track of my time, yes.

14 Q And you kept track of your costs, didn't you?

15 A The company does that, yes.

16 Q Did you?

17 A Again, I enter my time so that the company can keep
18 track of my time, yes.

19 Q When you came out here and made travel arrangements,
20 did you have any conversations with anybody from the
21 defense?

22 A About the travel arrangements?

23 Q Yes.

24 A Yes.

1 Q And as far as the travel arrangements, who on the
2 defense was trying to help you with travel arrangements?

3 A I believe it was Mr. Jackson.

4 Q Was there other people, associates, colleagues that
5 were helping you as well?

6 A None that I had direct communication with. I don't
7 know if he communicated with others after.

8 Q Was there a person named Kat; you ever hear that name
9 before?

10 A I believe that -- yeah, she may have escorted me into
11 the courtroom I think.

12 Q You don't believe because that's a pretty particular
13 name. So when you used words like you believe, you know,
14 you know.

15 So do you meet a person by the name of Kat?

16 MR. ALESSI: Objection, Your Honor.

17 THE COURT: I'll allow it.

18 A I think when I arrived here, yes.

19 Q But without the qualification, the simple question is
20 you've Kat, haven't you?

21 A I think I met her -- it was either at that voir dire
22 day or the trial day, yes.

23 Q Does Kat work for the defense?

24 A I have no idea who she is.

1 Q Well, how did you know who she was? Who was the
2 introduction? How did that go down?

3 A I just mentioned, I think she escorted me here to the
4 courtroom.

5 Q Escorted you from where?

6 A I think I arrived -- I drove here and I arrived I
7 believe in the church parking lot across the street, and I
8 think she walked me over and then ultimately when I was
9 done, I think she walked me back to the lot.

10 Q Did you have conversations with anybody from the
11 defense about how you would get here, and why it is, in
12 particular, you would park at the church parking lot?

13 A Because I had no idea where to go.

14 Q Who told you where to go?

15 A Like I mentioned, I communicated with Mr. Jackson who
16 provided that information to me.

17 Q And did it have any significance about the church
18 parking lot, did that mean anything to you?

19 A No, he just indicated I think that he had reserved it,
20 and there was a spot that I could park my vehicle.

21 Q Okay. And when you got there, did you meet with anybody
22 from the defense?

23 A I can't recall if they were standing out there and we
24 walked in together. I don't recall.

1 Q I'm asking if you've met them, not whether you walked
2 in together. I'll ask it again.

3 When you arrived after these plans were made, did you
4 meet with the defense before you came into court?

5 A On the voir dire day, I don't believe. I can't recall
6 if the defense was out there. I think on the day of trial,
7 I think I met Mr. Jackson and maybe a couple other members
8 of the defense team.

9 Q Well, when you say you think, this was a pretty
10 remarkable event coming to this trial, wasn't it?

11 MR. ALESSI: Objection, Your Honor.

12 THE COURT: I'm going to allow it.

13 Q Pretty remarkable event, this trial, wasn't it?

14 A It's unique, yes.

15 Q It's unique. And so when you came, here having had all
16 these conversations with Attorney Jackson, you don't
17 remember if you met him before you came in for the voir
18 dire came or came in for trial, you don't remember if you
19 he met him?

20 A Well, like I said, I think for the voir dire, I think
21 he was already, I believe, in the courthouse so I think the
22 first time I actually shook his hand and met him was the
23 day of the trial, if I'm not mistaken.

24 Q And tell me, is that near the church parking lot that
25 you met with him?

1 A I'm sorry. What was your question?

2 Q Was it near the church parking lot when you met with
3 them?

4 A Yes.

5 Q Okay. You shook his hand, this is meeting face-to-face,
6 correct?

7 A Yes.

8 Q Yes?

9 A Yes.

10 Q Did you have a conversation about the case?

11 A I don't believe so, no.

12 Q When you say you don't believe so, do you think you had
13 a conversation about the case?

14 A At that point in time, no. I was getting ready to take
15 the stand, so I don't think we had a conversation about it.

16 Q You were speaking to the defense or Attorney Jackson on
17 June 10, 2024. That was before your voir dire testimony,
18 correct?

19 A I believe so, yes.

20 Q And do you remember what those conversations were
21 about?

22 A I presume it was about the logistics of when we were
23 needed, and then I know that ultimately I served as kind of
24 the primary point of contact where I think Alan would reach
25 out to me, he would give me some information about the

1 scheduling and kind of when we were needed, and I would
2 check in with Dr. Rentschler and then I would get back to
3 Mr. Jackson. So there was kind of that channel of
4 communication to try to figure out when we were to arrive
5 and where we were supposed to go.

6 Q So you're not saying that all your conversations with
7 Alan were just logistics, were you?

8 A I believe for the most part, yes.

9 Q So it took hundreds of texts -- a hundred texts for
10 logistics?

11 A Absolutely. And I could certainly go into the day
12 before my trial testimony, which was a very extensive
13 travel day where I don't even think I left the Philadelphia
14 airport.

15 Q We're going to get there, but there's a lot more
16 communications before we get even close to that.

17 Do you remember on June 10, having conversations with
18 Attorney Jackson?

19 A I do remember there was conversations, yes.

20 Q Now, June 10, is eight days before your testimony. Did
21 you ever talk about an outline of your testimony of what
22 your testimony would be?

23 A No, sir.

24 Q You ultimately have more conversations on June 16. Do
25 you remember those conversations on June 16?

1 A Not specifically, no.

2 Q You don't remember them specifically. Do you remember
3 whether or not you talked about the case with Attorney
4 Jackson on June 16?

5 A We did not talk about the case, no.

6 Q Did you ever email with Attorney Jackson around that
7 time?

8 A In June 10?

9 Q Before your voir dire.

10 A I don't believe so, no.

11 Q So everything from your mind was just logistics at that
12 point?

13 A Yes, sir.

14 Q And then you came in for June 17?

15 A I believe the voir dire was the 18th.

16 Q Okay. Do you remember having phone calls on the 18th
17 with Attorney Jackson?

18 A The day of the voir dire?

19 Q Yes.

20 A I could have to let him know that I arrived.

21 Q So you check in with a client, tell them you're on your
22 way even though you're not going to meet them?

23 A To let them know that I'm coming to court.

24 Q Okay. And so you testified in the voir dire, then did
25 you have further conversation with Attorney Jackson?

1 A After the voir dire?

2 Q Yeah.

3 A Yes.

4 Q And did you talk about the case?

5 A No, sir.

6 Q You had to have testified, or you came and you
7 testified on the 24th?

8 A That sounds right.

9 Q You had a number of phone calls before the 24th. You
10 had a series of phone calls on the 17th, two on the 18th,
11 two on the 19th. Do you know what any of those were about?

12 A I think it was about the logistics of arriving here
13 because I know that I was going to -- as opposed to
14 driving, I know I was going to fly in this time.

15 Q How about the 21st and 23rd? There's a call on the 21st
16 and two on the 23rd. Did you talk about the case?

17 A No.

18 Q So when you came into trial to testify, you were just
19 relying on the opinions you had already provided in the
20 past?

21 A That were written in the February 12, report of 2024?

22 Q Yes.

23 A Yes.

24 Q And you had not talked about the case with Attorney
25 Jackson or any member of his team?

1 A No, it was all in the report, and that's ultimately
2 what I testified exactly to at the time of trial and the
3 voir dire, sir. Q And you did not talk to Attorney Jackson
4 or anybody else about the case?

5 A No, sir.

6 MR. BRENNAN: May I approach?

7 THE COURT: Yes.

8 Q Showing you an email. Do you recognize that?

9 A Yes.

10 Q From you to who?

11 A To Mr. Jackson.

12 Q Okay. And what's it labeled as?

13 A "Wolfe direct."

14 Q And that's before you testified on trial 6/24/24?

15 A It's at 6:00 p.m. the night before I testified, yes.

16 Q So it's before you testified?

17 A Yes.

18 Q Okay. Let me show you this document. Do you recognize
19 that one?

20 A Yes.

21 Q What's that?

22 A That is the attachment to the email.

23 Q Do you recognize reading that?

24 A Yes.

1 Q Do you recognize discussing the case before you
2 testified on June 24, 2024?

3 A I never discussed this with him. This is something
4 that I sent to him that I did on my own and that I sent to
5 him. But he never asked this of me and we never discussed
6 it.

7 Q So you sent him what you thought would be the best
8 questions and answers for him to ask you when you
9 testified?

10 A Sir, this is something I routinely do when I work with
11 attorneys, okay? I prepare this on my own to prep myself
12 and prepare for trial.

13 Q Can I have that back, please?

14 MR. BRENNAN: There's an email with a document. I'd
15 like to attach this is an exhibit.

16 THE COURT: Okay.

17 (Whereupon Exhibit No. 1, Email, was marked as an exhibit.)

18 MR. ALESSI: The exhibit again, please?

19 THE COURT: One.

20 Q So you assisted the defense --

21 THE COURT: Hold on. Hold on.

22 THE COURT REPORTER: One second, Mr. Brennan. Go ahead.

23 MR. BRENNAN: Thank you.

1 Q So you assisted the defense in anticipation of your
2 testimony by sharing with them the questions and answers
3 you thought would be most helpful?

4 A Again, as I mentioned, this is something that I do
5 internally to prepare. I sent that to him the evening
6 before I testified at 6:00 p.m. I presumed that he had
7 already his direct examination done at that point. So I
8 sent that to him, yes.

9 Q That's a lot of answers other than the one to my
10 question.

11 MR. ALESSI: Objection, Your Honor.

12 Q The one for my question --

13 THE COURT: Hold the comments, please.

14 Q So my question was, you had communications offering
15 information to the defense before you testified in a way
16 that you thought would help the testimony, didn't you?

17 A Well, first off, I have no idea if he read it or
18 utilized anything from it.

19 Q But that's not really answering the question I just
20 asked, is it?

21 A Can you repeat the question?

22 Q Of course I can.

23 So when you sent a direct examination to Attorney
24 Jackson before your testimony, you communicated with

1 Attorney Jackson providing information that you thought
2 would best help your testimony in court?

3 A Well, I think ultimately it's to help the jury
4 understand my report and my analysis.

5 Q You think it's helpful not answering the question and
6 just diverting every time I ask you something?

7 MR. ALESSI: Objection.

8 THE COURT: Sustained.

9 Q Do you want to answer my question or do you want me to
10 move on?

11 A I think I answered your question.

12 Q I don't think you did so I'll ask it one more time.

13 MR. ALESSI: Objection, Your Honor.

14 THE COURT: All right. No comments, please. Just --

15 Q Do you think that providing a direct examination to the
16 defense before you testified is in any way assisting
17 preparing for your testimony?

18 A Again, I don't even know if he even utilized it, sir,
19 and certainly, if the Commonwealth had reached, they could
20 have gotten a copy of that as well. It would have been the
21 same exact outline whether I testified on behalf of the
22 defense or on behalf of the Commonwealth.

23 Q You don't want to answer my question?

24 MR. ALESSI: Objection, Your Honor.

25 THE COURT: Sustained.

1 Q Did you ever make any comments or discuss the outline
2 that you provided to the defense to help better the
3 testimony for the defense?

4 A I did put comments, yes.

5 Q When I just showed you that document, you just said you
6 just sent because this is a standard thing. Why didn't you
7 just tell us that you made comments that would assist the
8 defense? Why didn't you share that when I just asked the
9 question?

10 A I don't understand your question.

11 Q You don't understand my question? I asked you about
12 the outline, the direct examination you provided to the
13 defense, and you gave me a response that this is something
14 typical, but it's just an outline. You wouldn't answer
15 whether it would help the defense or not, but the reality
16 is you were assisting the defense, isn't it?

17 MR. ALESSI: Objection, Your Honor.

18 THE COURT: I'm going to allow that.

19 Q You were making suggestions to help the defense,
20 weren't you?

21 A Sir, it wasn't to help the defense. It wasn't to help
22 anyone but the jury understand things. As I just mentioned
23 that outline, if it was asked -- if I had sent one to the
24 Commonwealth, you would've gotten the exact same copy.

25 Q You didn't send one to the Commonwealth.

1 A The Commonwealth never reached out to us, sir.

2 Q So what you said in this is there was a question about
3 to not being able to inspect the vehicle is something that
4 is not uncommon in your line of work, and you wrote back,
5 "Absolutely not," correct?

6 A Correct.

7 Q And you made a comment to assist the jury, according to
8 you, only to assist the jury. "Not sure if you want to put
9 this somewhere on the direct examination. I have a feeling
10 they're going to argue I didn't personally inspect the
11 vehicles. I had enough information from the material I
12 reviewed, so it wasn't necessary. We need to show the jury
13 it doesn't matter in this case."

14 Were those your comments to the defense before your
15 testimony?

16 A Absolutely, and it would've been the same argument
17 probably from the defense if you had called me a witness
18 about not being able to inspect the vehicle. I wanted the
19 jury to have an understand(sic) that for the analysis I
20 undertook, it did not matter that I did not physically
21 inspect the vehicle, sir.

22 Q So what you're telling us here under oath before this
23 Court think you did nothing to assist the defense, you do
24 not think that you making these suggestions on how to

1 better the testimony for the defense, you don't think
2 that's helping the defense?

3 A No.

4 Q Okay. You said, "Not sure if you what to put this
5 somewhere in the direct examination."

6 So you're making suggestions to the defense about what
7 you think could be helpful in the direct examination,
8 correct?

9 A Sir, there were never any conversations between me and
10 Mr. Jackson about what questions to ask, what not to ask.
11 Again, I prepared that internally on my behalf and sent
12 that to him. Whether he utilized it or not, I have no
13 idea.

14 Q That's not my question. Not my question. What I'm
15 asking you is when you wrote to the defense and said, "Not
16 sure if you want to put this somewhere in the direct
17 examination --

18 THE COURT REPORTER: Mr. Brennan, slow down just a bit.

19 THE COURT: Yes, slow down.

20 Q When you wrote and offered unsolicited according to you
21 to the defense, not sure if you want to put this somewhere
22 in the direct examination, weren't you trying to help, sir?

23 A I don't believe so, no, sir.

1 Q And then when you wrote, "I have a feeling they are
2 going to argue I didn't personally inspect the vehicles,"
3 who's they?

4 A Well, it would have been the prosecution in this case.

5 Q But you're not taking sides. You're totally objective,
6 right?

7 A Sir, that is a question that's routinely raised when I
8 testify about whether or not we inspect the vehicles. So I
9 know it would be a potential issue that would be raised by
10 either side.

11 Q So you were alerting the defense that you thought that
12 this may become an issue, weren't you?

13 A It was more or less to make sure the jury had an
14 understanding that because I didn't physically inspect the
15 vehicle, it did not matter for my analysis, sir. I wanted
16 to make sure the jury understood that.

17 Q I'm not talking about the jury. I'm talking about --
18 MR. ALESSI: Objection, Your Honor.

19 Q -- about your conversations with the defense.
20 I'm asking you specifically about your conversations
21 with the defense.

22 MR. ALESSI: Objection.

23 THE COURT: That's two question. Ask one question, Mr.
24 Brennan.

1 Q You wrote, "I have a feeling they are going to argue I
2 didn't personally inspect the vehicles." That's what you
3 wrote, correct?

4 MR. ALESSI: Objection, Your Honor, the tone and the
5 argumentation.

6 Q Did you write that?

7 A Yes.

8 Q Right. And when you said "they" you're referring to the
9 opposition, the Commonwealth, correct?

10 A Correct.

11 Q And you offer an explanation or a way to deal with what
12 the Commonwealth may confront you with, don't you? You
13 make a suggestion to help the defense, don't you?

14 A Again, it was to help the jury understand that because
15 I did not physically inspect the vehicle, it did not matter
16 for my analysis. That was the point I was trying to make.
17 Let me finish.

18 Q "I have enough information from the material I
19 reviewed, so it wasn't necessary. Need to show the jury it
20 doesn't matter in this case." That's what you wrote.

21 A Right. Need to show the jury. That's what I was
22 trying to make sure that that point was understood, to the
23 jury.

24 Q In your collaboration with the defense, that's not all
25 you wrote, is it?

1 You gave them discretion about things that you should
2 or shouldn't say in front of that jury who you say you want
3 to hear everything, didn't you?

4 A There were other comments, yes.

5 Q If you want the jury to hear everything, you wouldn't
6 be relying on the defense to tell you what to say and not
7 to say, would you?

8 A I don't know if I understand your question.

9 Q Okay. You'll understand if I read this. Number 19,
10 "Would it be fair to say that because you do a lot of
11 nighttime visibility work your cases frequently involve
12 pedestrians?" Do you remember that one?

13 A Yes.

14 Q And then you wrote back, "Yes, unfortunately there is a
15 direct correlation between the time of day and pedestrian
16 fatalities." Do you remember that?

17 A Yes.

18 Q "Statistically speaking, most pedestrian fatalities
19 occur during the evening and night hours." Do you remember
20 that?

21 A Yes, sir.

22 Q "So my specialty in the area of lighting and human
23 factors results in a lot of my cases involving
24 pedestrians," yes?

25 A Yes.

1 Q And then, you defer to the defense, not the jury trying
2 to give the full story to the jury, you defer to the
3 defense in exercising discretion on what you will or will
4 not say to the jury back then?

5 A Well, allow me to explain, if you will.

6 Q I'm asking you a question.

7 A Let me explain.

8 Q No, I'm asking you. Did you --

9 THE COURT: So answer the question, first.

10 Q Did you defer to the defense on what information they
11 wanted you to put in front of this jury -- that last jury
12 or not?

13 A I didn't differ to them. The reason for that comment
14 is a few reasons, sir.

15 Q Let me read it and then you can give an explanation
16 why.

17 MR. ALESSI: Objection, Your Honor.

18 THE COURT: Hold on. Hold on. Hold on. Hold on.

19 Next question, Mr. Brennan, and then you answer, Dr. Wolfe.

20 Q You said, "If you don't want me to say this, that's
21 fine." Are those your words?

22 A Yes. Allow me to explain. Because for, one, I want the
23 jury to have an understanding. Again, the jury, to have an
24 understanding of my background in lighting and human

1 factors and how it relates to me seeing a lot of pedestrian
2 impacts, right? So I want them to have that understanding.

3 At the same time, I don't want them to get caught up in
4 a statistic that just because there's more pedestrians
5 impact at night that this alleged incident must've occurred
6 because of that statistic.

7 Q Question 31, "Have you been qualified as an expert in
8 court before?" And you wrote back, "Yes." Do you remember
9 that?

10 A Yes.

11 Q And then you made another comment; do you remember
12 that?

13 A Yes.

14 Q "I realize in my testimony I said, 'About 20 times,'
15 when you asked how many times I've been qualified." You
16 were referring to your voir dire testimony, correct?

17 A Correct.

18 Q "I misinterpreted your questions which is my fault, but
19 in looking at my D and T lists, it's eleven trials and
20 seven depositions." Eighteen testimonies total, correct?

21 A Correct.

22 Q "I'm not sure if you want me to clear this up or just
23 leave it."

24 Wouldn't you want to clear up a misstatement when you
25 realized you had made a mistake? Wouldn't you want to

1 inform the clerk, I stated qualifications I didn't have.

2 It was unintentional, but it was a mistake?

3 A Well, that's exactly why I put the comment in there,
4 sir.

5 Q You put the comment -- you didn't put the comment to
6 the Commonwealth, did you?

7 A Again, you all never contacted us, sir.

8 Q Did comment to the Court, who you made the
9 representation in front of, did you let the Court know that
10 you made a representation that was inaccurate?

11 A Again, that's why I put the comment in there to --
12 okay.

13 Q Did you inform the Court about your misrepresentation?

14 A No, I did not inform the Court.

15 Q Did you rely on the defense and gave them the
16 discretion whether they were going to clarify the record or
17 not, correct?

18 A But I provided the clarification, yes.

19 THE COURT: All right. Mr. Brennan, could you move
20 along, please.

21 Q As you sit here today, you don't really know how many
22 communications you had with the defense before your last
23 testimony, do you?

24 A For trial one?

25 Q Yes, trial one.

1 A I think it's all memorialized in the records and the
2 emails that were produced.

3 Q The ones that were produced, but not things that were
4 lost or destroyed or deleted, correct?

5 A Again, there are records, even though physical texts
6 aren't there, there are certainly records of the calls
7 ingoing and outgoing as well as texts.

8 Q Do you remember when you testified in the voir dire,
9 you were asked that before that morning when you were
10 walked into court you had never met Attorney Jackson face-
11 to-face?

12 A Correct.

13 Q But you met him in court that day, right?

14 A I believe I met him that day, yes.

15 Q You were asked whether or not you had ever discussed at
16 trial now, after the voir dire, on June 24, you were asked
17 whether you discussed the substance of any of your
18 testimony; do you remember that?

19 A Correct.

20 Q And so when you shared questions and answers and
21 suggestions by email, was the statement under oath, "You
22 and I have never discussed the substance of the testimony."
23 Is that still truthful?

1 A We never discussed it, sir. Again, I sent it to him on
2 my own behalf. There was no discussion that took place
3 between Mr. Jackson about that.

4 Q You made comments after this was exchanged.

5 A That was sent with the comments, sir.

6 Q And then you were asked whether you had ever been paid
7 by the defense, you said no. You were later paid by the
8 defense, weren't you?

9 A ARCCA did send an invoice afterwards, yes.

10 Q Did you talk to ARCCA about that, about the billing in
11 this case?

12 A No.

13 Q You submitted your bill, yes?

14 A ARCCA submitted the bill.

15 Q Yes.

16 A Yes.

17 Q Mr. Klein, he was involved in the testing he did,
18 wasn't he?

19 A Yes.

20 Q Why is it that Mr. Klein didn't come in and join you?
21 Who made that decision?

22 A Well, I think it was around, again, when we were
23 talking about those June calls, I think that there was some
24 discussion between Mr. Jackson and myself about Mr. Klein's
25 involvement, and ultimately, he's also an accident

1 reconstructionist, so it essentially would've been
2 duplicative testimony so we didn't feel -- or Mr. Jackson I
3 didn't think felt it was necessary to call Mr. Klein as
4 well.

5 Q That sounds like a little bit more than just
6 scheduling, doesn't it?

7 A I would describe that as logistics, sir.

8 Q Logistics. You hadn't described what Mr. Klein's role
9 was or wasn't in that report, didn't you?

10 A Again, I went over his background as an accident
11 reconstructionist, yes.

12 Q Well, so you only talked background, and from that, the
13 decision was made not to call him, or did you talk about
14 his role in your testing and in your opinions?

15 A I didn't talk about his role, sir. I think ultimately
16 the decision obviously was by Jackson, not me.

17 Q I understand that, but I want to know what the
18 conversation was that led to the decision not to call Mr.
19 Klein. It wasn't simply logistics. What was the discussion
20 you had?

21 A Well, I told him that, again, we were -- we're both
22 accident reconstructionists. Dr. Rentschler is a
23 biomechanical engineer so there would have been essentially
24 duplicative testimony from both of us.

1 Q But your report isn't very clear who did what. Would
2 you agree me the reports are generally worded as yours, Dr.
3 Rentschler, and Dr. Klein's name on it. Do you agree with
4 me?

5 A All three of our names are on it, yes.

6 Q It doesn't distinguish who did what in that report,
7 does it? A Correct. But I think it certainly was
8 testified to at the voir dire and the time of trial.

9 Q Before the voir dire, when you spoke to the defense,
10 did you explain to them what the different roles were for
11 the different people that led to the decision not to call
12 Mr. Klein?

13 A Again, we went over our backgrounds, and I think from
14 that, you can deduce that.

15 Q I don't what that means.

16 A Well, if you're familiar with what an accident
17 reconstructionist does, and you're familiar with what a
18 biomechanical engineer, then you would be able to
19 understand that.

20 Q Well, it would be easier to understand if you would
21 just tell us what the conversation was. That's what I'm
22 asking you about.

23 MR. ALESSI: Objection, Your Honor.

24 THE COURT: I'll allow it.

1 Q When you had a conversation with the defense, did you
2 tell the role that Mr. Klein played in your investigation
3 and in your conclusions?

4 A Again, I told him that we are both accident
5 reconstructionists.

6 Q And he chose you instead of Mr. Klein. Did you say
7 there was a difference between you and Mr. Klein and what
8 you did?

9 A No, again, we were both a part of the testing. We were
10 both a part of the review, so we had exactly the same role,
11 essentially.

12 Q Did you tell him that?

13 A No, again, I told him that we were both accident
14 constructionists.

15 Q And you remember that's all you said about it?

16 A Yes.

17 Q During the voir dire and the trial, did you get to
18 watch any of the Commonwealth's experts?

19 A No, I don't believe so.

20 Q Did you ever communicate with the defense about any
21 questions and answers that could or should asked?

22 A No, but I will note during the entirety of the first
23 trial, the Department of Justice was closely watching it,
24 and we had certainly a direct line of communication with

1 them that they were giving us and providing us information
2 about the trial as it was ongoing.

3 Q Did you ever communicate with the defense about
4 questions and answers to ask?

5 A No, sir.

6 Q Did you ever see anybody's testimony at any time during
7 the first trial?

8 A I might have seen a few news clips, but I didn't watch
9 any specifically, no.

10 Q Did you ever watch anybody's testimony? Did you ever
11 watch any the reconstructionist's testimony?

12 A No, sir.

13 Q Did you after the trial spend any private time with the
14 defense?

15 A After -- no, I left town.

16 Q You didn't go to lunches or parties or anything like
17 that?

18 A No, I went straight to the airport.

19 Q And, sir, is there any other communications that you've
20 had with defense that you didn't tell us about? Outside
21 the texts and the phone calls and the Signal calls, are
22 there any other communications that you can think of that
23 you had with the defense?

24 A No, sir, I've provided everything I have in my
25 possession.

1 MR. BRENNAN: I have no further questions.

2 THE COURT: All right. Mr. Alessi, do you have
3 anything?

4 MR. ALESSI: I sure do, Your Honor. Thank you.

5 THE COURT: Are we going to get to Dr. Rentschler today
6 or not?

7 MR. ALESSI: Well, you know how much time Mr.
8 Brennan's --

9 THE COURT: I'm just asking you.

10 MR. ALESSI: I hope so, Your Honor.

11 THE COURT: Okay.

12 MR. ALESSI: May I approach the witness?

13 THE COURT: Yes.

14 MR. ALESSI: Your Honor, may I approach the witness
15 with a document?

16 THE COURT: Yes.

17 **CROSS-EXAMINATION**

18 **BY MR. ALESSI:**

19 Q Dr. Wolfe, I am providing you with a document. Do you
20 recognize it?

21 A Yes.

22 Q What is it?

23 A It is the order for production of records.

24 Q And is that an order from this Court?

25 A Yes, sir.

1 Q And is this the order that you were provided with in
2 response to recent matters with regard to this Court, and
3 what you should or should not be keeping in terms of
4 records, and what you should be producing with regard to
5 records?

6 A Yes.

7 Q Could you please read the -- well, excuse me.

8 MR. ALESSI: At this time, Your Honor --

9 THE COURT: I have it in front of me.

10 MR. ALESSI: Okay. It's -- I understand. So if Your
11 Honor has it, I am under -- I would like for it to be part
12 of hearing.

13 THE COURT: Sure, we can mark it.

14 MR. ALESSI: That is exactly. Thank you, Your Honor.

15 (Whereupon Exhibit No. 2, Court Order, was marked as an
16 exhibit.)

17 MR. ALESSI: I offer it into evidence, Your Honor.

18 THE COURT: Okay.

19 MR. ALESSI: May I allow the witness to have that,
20 please?

21 THE COURT: Yes.

22 MR. ALESSI: Thank you. Bear with me, Your Honor.

23 Q Dr. Wolfe, I realize that the Court has a copy of this,
24 but I'd like you to please read the first sentence in the
25 indentation at the top after the following.

1 A Okay. "All records within ARCCA's or its owners,
2 partners, employees or representatives' possession,
3 custody, or control in whatever format kept that reflect or
4 in any way relate to work performed or contemplated and
5 related in any way to billing, payment, compensation, or
6 reimbursement of any kind in connection with Commonwealth
7 versus Karen Read."

8 Q Did you, and to the best of your knowledge everyone
9 associated with ARCCA, comply completely with this order
10 with regard to the records that are requested in it?

11 A Yes, everything I had in my possession and that ARCCA
12 had in our possession, we produced.

13 Q What I'd like to do is to go back in time with regard
14 to your interactions with the United States Department of
15 Justice in February of 2024.

16 Were you under -- was ARCCA under a contract with the
17 United States Department of Justice?

18 A Yes, sir.

19 Q Was there a contract number assigned to that contract?

20 A Yes.

21 Q Was there an internal number at ARCCA for which all
22 time was billed for your work on that matter in February of
23 2024?

24 A Yes.

1 Q Did that contract number that began in February of
2 2024, ever change in ARCCA?

3 A Let me just clarify something real quick. So the
4 original case when it came in from the Department of
5 Justice was in the year of 2023. So when that project was
6 opened with the Department of Justice, we assigned a
7 project number to it. That project never, from the
8 original case with the Department of Justice, remained the
9 same all the way through the trial.

10 Q And now let's go from -- and the trial in June of 2024,
11 correct?

12 A Correct, yes.

13 Q From June of 2024 to the end of December of 2024, did
14 that contract number ever change?

15 A No.

16 Q To your knowledge, when you were entering time under
17 that contract number for your work, did you understand that
18 that time was going to be billed to that contract number
19 with the US government?

20 A That was my assumption, yes.

21 Q Did you have from any time in 2024, any understanding
22 that any of your time that you were entering was to be
23 billed to the defense team in this case?

24 A No, sir.

1 Q Let's now go to your first interactions with the
2 defense. As I understand it -- well, why don't you tell me
3 what was the first date of your understanding of
4 interactions with the defense?

5 A I believe it was sometime in mid-to-end of March of
6 2024.

7 Again, that would have been over a month from when we
8 issued our report to the Department of Justice.

9 MR. ALESSI: Your Honor, may I approach the witness?

10 THE COURT: Yes.

11 MR. ALESSI: Thank you. Your Honor, may -- what I have
12 is the entire production that ARCCA made. I think it would
13 ease in terms of the --

14 THE COURT: Sure, he can have it.

15 Q Is that pursuant to -- subject to Your Honor's
16 permission to answer of my questions if you need to.

17 A Okay.

18 Q Now in March of 2024, had your final report been
19 issued, the final report that you prepared for the US
20 government?

21 A Yes, that was issued on February 12th of 2024.

22 Q From February 12, 2024, until you sit here today, has
23 there been any change whatsoever to that report?

24 A No.

1 Q Have the conclusions in that report stayed the same
2 since it was finalized for the US Department of Justice in
3 February of 2024?

4 A Yes, and that was testified to at the voir dire, and
5 certainly, at the time of trial.

6 Q Did the defense at any time have any discussions with
7 you about the substance of that report to the United States
8 Department of Justice?

9 A No. We had no idea who the defense was or the
10 Commonwealth, for that matter.

11 Q And when you took the stand in the voir dire testimony
12 in the first trial, before you took the stand, did you have
13 any discussions with any member of the defense about the
14 substance of that report?

15 A No, sir.

16 Q Did you have any discussions with any member of the
17 defense before the voir dire testimony other than
18 discussions about background and qualifications?

19 A Other than, again, some logistics about how to get up
20 here, where to go, things of that nature, but beyond that,
21 no.

22 Q Other than logistics, how to get up here, when you were
23 coming, background qualifications, did you have any
24 discussions with any member of the defense of any kind with
25 regard to the report to the US Department of Justice?

1 A No, sir.

2 Q Did the defense ever try to get you to improve or
3 change any aspect of the report you had issued to the
4 Department of Justice?

5 A No.

6 Q At the time you were -- that ARCCA was working for the
7 United States Department of Justice, do you know whether
8 ARCCA could have been retained by any other party for any
9 aspect related to the February 2024, report?

10 A I'm not sure I understand your question.

11 Q In 2024, did the federal government prevent ARCCA from
12 entering into any contract with any other party with regard
13 to your report of February of 2024?

14 A So we were again, because we were still under contract
15 with the Department of Justice, we could not have any other
16 formal agreements, contracts, retainers, anything of that
17 nature because we were still under contract with the
18 Department of Justice.

19 Q Now, let's go to the emails that were discussed with
20 you starting March 20, 2024, and then the subsequent email
21 March 22, 2024.

22 A Okay.

23 Q Are you there, sir?

24 A Yes, I think so.

25 Q Well, let's test to make sure.

1 March 20, 2024, 10:49 a.m. from Alan Jackson to Daniel
2 Wolfe; do you have that?

3 A Yes.

4 Q And that email states, in substance, "Thank you so much
5 for taking the time to get on the phone this morning.
6 Pursuant to our conversation, please feel free to forward
7 an engagement letter to this email address. I will get
8 that countersigned and return to you forthwith along with
9 your retainer as required."

10 As Of March 20, 2024, was there any understanding that
11 ARCCA would be compensated by the defense for any aspect of
12 current or future work?

13 A No.

14 Q Was there any understanding or discussion that ARCCA
15 would receive any reward or payment or compensation for any
16 contemplated work with the defense?

17 A No.

18 Q The discussions that you had with Mr. Jackson that are
19 the subject of this March 2024, email. Were there any
20 inducements to ARCCA from the defense?

21 A No, sir.

22 Q After that email was received by you, did you have any
23 understanding or expectation of any kind that ARCCA would
24 be compensated for any work associated with this case?

25 A No, sir.

1 Q Was -- what was, briefly, the essence of that
2 conversation that's discussed in the March 20, 2024, email?

3 A Well, it correlates to when I'm looking back at this
4 talk reckoned log, there was an incoming call to the ARCCA
5 mainline on March 20, 2024, at 7:00 a.m. and that's
6 specific standard time, so that would have been at 10:00
7 a.m. eastern time. So that call lasted for 39 minutes, and
8 as I mentioned earlier with Mr. Brennan, I think that was a
9 conversation about Alan trying to get in touch with me
10 letting us know that, hey, we've received you alls(sic)
11 report as part of this investigation. You know, how can we
12 go about utilizing you guys to come testify at trial? Can
13 you guys come and testify at trial? So and then -- and as
14 I mentioned, I went over him with our typical, you know,
15 protocol for when a case comes in and a client wants to
16 utilize us to testify, which is certainly outlined in that
17 email. But obviously given the very unique nature of this
18 case, I had no idea if that was something that was okay, if
19 it was allowed, what to do.

20 So subsequent to that email, I then reached out to the
21 Department of Justice to get clarification on what the
22 guidelines would be to move forward.

23 Q I'm going to come back to these emails, but I want to
24 go right to the July invoice from ARCCA to Werksman Jackson

1 firm. So can you locate that? That's in your production.
2 It's the July invoice.

3 A Yes. I have it located, yes.

4 Q Did you ever have any discussion of any kind with any
5 member of the defense team about that invoice before July
6 12th of 2024?

7 A No, sir. And I will note, I am not a part of the
8 invoicing or accounting at ARCCA. When a bill goes out,
9 how much it goes out for, who it goes to, I'm not a part of
10 that at all.

11 Q For each and every entry on that invoice, did you have
12 any understanding that the defense team as you're making
13 each of those entries any understanding that the defense
14 team was going to be paying for any of that work?

15 A No, again I think it -- my boss wants to know what I'm
16 doing with my time, right? What I am working on? Am I
17 sitting there twiddling my thumbs, or am I my working on a
18 case. So that's the purpose of tracking time, sir.

19 Q So can you please describe how it is you enter time and
20 what it is -- what your thought process is as you're
21 entering each of those time entries, not each one, but just
22 collectively? How do you do it? Why do you do it? And
23 how does that work in your firm?

24 A So again, there's usually just a spreadsheet.
25 Sometimes I'll write it down. Maybe my project manager

1 will enter it. But ultimately, again, I keep track. If
2 I've got an eight, nine hour day, right, I'm working on
3 multiple cases that day, right, so I figure out, did I have
4 telephone call, did I work, you know, work on a report for
5 this long, right, so I keep track of my time in a
6 spreadsheet so that ultimately, again, my boss and the
7 accounting department knows what was Dr. Wolfe doing on
8 this day, this month.

9 Q Let's take the first entry on May 1, 2024. Do you see
10 that?

11 A Yes.

12 Q Did you have any understanding when you made that entry
13 that the defense was going to be paying for that time?

14 A No.

15 Q 6/9/2024, did you have any understanding when you made
16 that entry that the defense was going to be paying for that
17 time?

18 A No.

19 Q For any entry on this invoice, did you understand --
20 have any understanding that the defense was going to be
21 paying for this time?

22 A No, sir.

23 Q When you're entering this time, if you had any
24 understanding, was your understanding that this time was
25 under the contract with the US government?

1 A Yes, because that's the project number that I put that
2 time towards.

3 Q So at the time you're making each entries on this
4 entire invoice, what project number are you billing to and
5 which one do you have in mind at that time?

6 A I don't recall it off the top of my head. I know it
7 was the project number for the Department of Justice case,
8 though.

9 Q I'm sorry, I wasn't asking about the specific number.

10 A Right.

11 Q But the ultimate client, when you're making each of
12 these entry, who is it?

13 A It's the Department of Justice.

14 Q Is it the defense in this case?

15 A No, sir.

16 Q Did you ever have any discussion at all with any member
17 of the defense team that this invoice was going to be sent
18 to the defense?

19 A No.

20 Q For any entry on this invoice, did you ever have any
21 belief that you were retained or engaged by the defense?

22 A No. And as I mentioned earlier, again the Department
23 of Justice forbid that, so we could not be retained or in a
24 contract with the defense.

1 Q I would like to now go back to the emails we were
2 talking about. Specifically, we left off with the March
3 20, 2024. I want to now go to the March 22, 2024, email.

4 I'm just going to shorthand that and refer to it as the
5 pause email.

6 What had happened between March 20, 2024, and March 22,
7 2024?

8 A Do you the tab for the email that you're looking at?
9 Sorry.

10 Q Tab one, please.

11 A Right. So the first email that we were talking about
12 on March 20, 2024, from Mr. Jackson to myself. It looks
13 like the next email was from me to Mr. Jackson two days
14 later March 22, 2024, at 6:00 a.m. I sent an email saying,
15 "Hi, Alan. Subsequent to our conversation on Wednesday,
16 the US District Attorney's Office has asked that we pause
17 on any further conversation until we receive additional
18 information from the office regarding our involvement
19 moving forward. I will provide you an update when I have
20 it."

21 So what it sounds like and from what I recall is that
22 between March 20, 2024, and March 22, 2024, I had reached
23 out to the US Department of Justice and US Attorney's
24 Office to get clarification on, again, moving forward with
25 potentially testifying in the case.

1 Q And what did the United States Department of Justice
2 tell you?

3 A They said to wait basically until they internally
4 figured it out.

5 Q So what was your conclusion from that conversation as
6 to whether you could do any work on this case at that
7 point?

8 A At that point, I didn't even know if we were going to
9 be allowed to testify. I know from my conversation with
10 the Department of Justice, I knew that there was a great
11 deal of confusion on their end on whether or not, you know,
12 as expert witnesses involved in a federal investigation if
13 we would be even allowed to testify in the state matter.
14 So their legal teams were trying to, I think, figure out
15 what the road forward looked like.

16 Q And were you entering time under that US contract
17 matter in March of 2024?

18 A Yes.

19 Q And do you know where that time was being billed to?

20 A I would -- well, it would have been the same project
21 number as the Department of Justice one.

22 Q That time was not, to your knowledge, being billed to
23 the defense, was it?

24 A No, again, there was -- through the entirety from again
25 when the case from the Department of Justice came in 2023

1 'til the trial concluded, all of the time was put to that
2 one project number.

3 Q In March 22nd of 2024, was any engagement letter sent
4 to the defense?

5 A No.

6 Q As of March 22, was there any retainer sent to the
7 defense?

8 A No. There was never a contract or retainer sent to the
9 defense in 2024 at all.

10 Q So in terms of the discussion in the March 2024 email
11 about engagement letter and retainers, were any of those
12 ever sent?

13 A No, we were not allowed.

14 Q And let's go back to that discussion of March 20 about
15 engagement letter/retainer letter. Was that discussion
16 where you were talking specifically about what you were
17 going to do with the defense in terms of that relationship,
18 or was it a general specific type discussion of the
19 policies and billing procedures of ARCCA?

20 A Certainly. As is alluded to in the email, was I
21 prescribed to him our typical operating procedure for when
22 a case comes in, but, again, there was -- I remember part
23 of that call. There was a great deal of confusion about
24 what do we ever do from here.

1 Q So as of March 22, 2024, can you just briefly describe
2 whether there was any further activity at all by ARCCA with
3 regard to the defense?

4 A No, I don't believe so. I don't think that anything --
5 there was no communication, I don't think, until about a
6 month later in April, after I had received that
7 clarification.

8 Q Now let's go to April. Let's go to the voir dire
9 hearing of April.

10 When you sat on the stand under oath for the voir dire
11 hearing, had there been any substantive conversations about
12 the topics in the February report to the Department of
13 Justice?

14 A No, sir.

15 Q None at all?

16 A None.

17 Q What, briefly, were the substance of the conversations
18 you had with the defense team as of the moment you sat for
19 the voir dire hearing in April of 2024?

20 A Again, they were all scheduling, logistics. When I
21 look at these records here, you know, I see a phone call
22 for three minutes, five minutes, six minutes, six minutes.
23 There's a few there for one minutes, which, again, we were
24 just maybe playing phone tag, but, again, these calls are
25 very short in nature. So again, it was just trying to

1 figure out -- I mean, obviously, I know that this was a
2 large trial, a lengthy trial, a lot of witnesses, things
3 are fluid, so I know that Alan, ultimately, I think would
4 reach out to me, and then like I said, I would -- he would
5 give me an idea, hey, do you guys -- can you come this day,
6 right, and I could relay that to Dr. Rentschler. He said,
7 yeah, that works for me, so then I would get back to Alan.
8 So that's what those conversations were. Again,
9 coordinating our testimony to appear for the voir dire.

10 Q It might appear to some that there were a number of
11 conversations before and communications with the defense
12 before you sat for the voir dire hearing.

13 Were those conversations about logistics, background
14 and qualifications, or did those conversations entail other
15 topics?

16 A No, it's what we covered. Again, that March 20, 2024,
17 phone call, the very first one of thirty-nine minutes,
18 again, was us trying to figure out what the heck to do.

19 The May 1, phone call, which was 40 minutes, again, was
20 me going over my background, the work that I do, my
21 qualifications, education. Other than that, there are very
22 short phone calls, like I said, of six minutes, three
23 minutes, one minute, nine minutes, right, and, again, that
24 was in preparation to appear in terms of scheduling,
25 logistics, timing for the voir dire.

1 Q At the voir dire hearing, do you recall the
2 Commonwealth asking you any questions at all about whether
3 you were being compensated by the defense?

4 A I don't recall a single question by the Commonwealth on
5 that, no.

6 Q Did the Commonwealth ask you any questions at that voir
7 dire hearing about whether you had any substantive
8 discussions with the defense about your February report to
9 the United States Department of Justice?

10 A I don't believe they asked, no.

11 Q Did the Commonwealth at that voir dire hearing ask you
12 any questions about whether you had any promises or
13 inducements from the defense before you sat down for that
14 voir dire hearing?

15 A No.

16 Q Now, let's go to the next tab with regard to the
17 outlines that you were asked on direct examination by
18 Attorney Brennan.

19 You've described this situation -- well, you describe
20 how it is you view this situation. Have you ever been in
21 this situation before where you're under contract with the
22 federal government, there's rules of the road, so to speak,
23 as to what you can do, what you can't do, and then you've
24 got a private defense team. Have you ever been in that
25 situation before?

1 A No, I think it's truly one-of-a-kind, and I don't know
2 that it'll ever happen again.

3 Q And have you ever been in a situation like that since?

4 A No, sir.

5 Q Did that cause you to have to have more or less
6 communications with Mr. Jackson to figure out what it is
7 you were going to do or not do?

8 A Sure, yes.

9 Q In terms of your outlines that you sent to Mr. Jackson,
10 did he ever broach in any way at all any idea of you
11 sending him an outline?

12 A He never asked, no.

13 Q Was there any discussions that he might send an
14 outline?

15 A No, as I mentioned it's something that for me is
16 customary as I'm preparing internally for trial, right.
17 I'm not going to come to trial, not review anything, not
18 look over my notes, right. It's something I do internally
19 so that I can have an understanding how -- how do I want to
20 try to answer questions that might be posed to me such that
21 I can have the jury understand how did I arrive at my
22 opinions.

23 Q Was it important to you before you sent that email with
24 those outlines, was it important to you that the jury got a

1 fair and accurate presentation of the work you had
2 performed in association with your February report?

3 A Yes, I think that's my job.

4 Q Was there any other motivation that you had in sending
5 that outline and that email to Mr. Jackson, other than
6 making sure testimony was elicited that would make it your
7 perspective clear to the jury?

8 A No, that was the only reason.

9 Q Were you trying to in any way favor the defense, give
10 the defense any favor with regard to that trial?

11 A Absolutely not.

12 Q What was your goal, both with sending the outline in
13 the testimony at trial, what was your goal?

14 A Again as I mentioned, I think it's to help the jury
15 understand the report, the analysis, what I did, what I
16 reviewed.

17 Q Did the defense ever, ever ask you to communicate to
18 the jury about any aspect of your report in any way?

19 A No, sir.

20 Q And did you in fact communicate to the jury what it is
21 you intended to effectuate the goal that you just
22 explicated?

23 A I think so, yes.

1 Q And with regard to the comments that were in those
2 outlines, what was your intention in putting in those
3 comments?

4 A Again, it was to provide the jury -- again, like, for
5 example, with the nighttime pedestrian statistic, right, it
6 was to have them have an understanding that -- I wanted
7 them to have an understanding that I do a lot of nighttime
8 and visibility work, right. So therefore, I see a lot of
9 pedestrian impacts, but again, I don't want them to take
10 that statistic and be -- and say, well, we have this
11 alleged incident, there was bad weather conditions, it was
12 nighttime, oh, therefore we should give that more weight.

13 Q And is that desire of yours in your mind to help the
14 defense more than to help the Commonwealth?

15 A No, it's impartial, and I will note I give numerous
16 presentations, and I think slide two or three on
17 presentations I give, it's going over that very same
18 statistic. I would never shy or hide away from that
19 statistic. And I believe I testified to that very
20 statistic or that comment at the voir dire and in my trial
21 testimony.

22 Q In terms of the -- after you sent the emails with quals
23 and issues pertaining to direct testimony, did you ever
24 have any communication of any kind whatsoever with the
25 defense team?

1 A No. He didn't -- Mr. Jackson didn't even respond, and I
2 think when I sent the direct outline, it was Sunday evening
3 before I hopped on a plane, and I think by the time I got
4 into Boston, it was like 1:00 a.m. So I didn't even have a
5 chance.

6 Q When you took the stand to testify the next day in that
7 trial, had you had one word of a conversation with Mr.
8 Jackson or any other member of the defense team about the
9 substance of your upcoming testimony?

10 A No, sir.

11 Q So you went and sat during that trial and gave
12 testimony to the jury without ever having talked to a
13 member of the defense team about the substance of your
14 February 2024, report?

15 A Correct.

16 Q Do you recall any member of the Commonwealth asking any
17 questions at all during your trial testimony about whether
18 you had been compensated by the defense?

19 A No.

20 Q Do you recall the Commonwealth ever asking any
21 questions at all whether you had communicated with any
22 member of the defense with regard to your testimony while -
23 - during your trial testimony?

24 A I don't think that was asked, no.

1 Q Do you recall any conversation -- any questions from
2 the Commonwealth about whether back in March or any other
3 time, you had been promised or induced by the defense, do
4 you remember any of those questions?

5 A No.

6 Q Do you remember any questions by the Commonwealth at
7 either the voir dire or the direct testimony about whether
8 you had had conversations with the defense?

9 A No.

10 Q Do you remember any questions to the Commonwealth at
11 all before you sat down and after you sat down for trial
12 about whether you had any text communications with any
13 members of the defense?

14 A No.

15 Q At the end of the trial, did you have any understanding
16 whatsoever that ARCCA was going to be compensated by the
17 defense?

18 A No.

19 Q At the end of the trial, did any member of the defense
20 ever say to you, we're now going to compensate you for any
21 of your work up to the time of your trial testimony?

22 A No, and the record certainly reflect that I never spoke
23 to Mr. Jackson after the trial in 2024. There was no
24 conversations between us.

1 Q Well, let's go beyond Mr. Jackson. Let's go to any
2 human being. Did you have any discussions with any human
3 being as to whether the defense was going to compensate you
4 for any work - travel, expenses, disbursements that you had
5 or incurred up to and through your trial testimony?

6 A No.

7 Q At that time, were you still under contract with the
8 United States Department of Justice?

9 A Yes.

10 Q Now, let's proceed to December of 2024.

11 Were there any conversations from the end of the trial
12 until December 2024, other than logistics -- well, was
13 there any conversations of any kind, and please state,
14 summarize briefly what they were -- or texts?

15 A The only communication I had with the defense was Mr.
16 Jackson after I took the stand, I think that he sent me a
17 text just thanking again for my time, traveling up here. I
18 said, you know, it was great, and then we left and that was
19 it. I did not communicate with Mr. Jackson for the
20 remainder of 2024.

21 Q Now, let's go to recent communications.

22 In 2025, did you have any communications with any
23 member of the defense with regard to the potential -- well,
24 let me go backwards. Let me go to the invoice. Let me go
25 to the July invoice.

1 A Okay.

2 Q How did you learn that that invoice was paid? If you
3 learned at all, how did you learn that that invoice was
4 paid?

5 A I didn't learn. I didn't know that it was paid. I
6 didn't even know it was sent.

7 Q Now, let's go to this year. Did the defense approach
8 ARCCA to see if they might be able to testify in this trial
9 that's currently pending?

10 A Well, I think the first communication of 2025, that
11 happened between myself and Mr. Jackson, was in February --
12 February 13th of 2025. There was two calls - twenty-five
13 minutes and five minutes - but it looks like just because
14 there was a disconnect. So there was about a 30 minute
15 call with him in February of this year.

16 Q And what was the substance of that call?

17 A Well, I think back to that time frame. I became aware
18 that I think that there were -- there was a motion or two
19 regarding ARCCA, and potentially excluding our testimony
20 for the upcoming trial. I also know that around that time
21 unfortunately I ended up getting a significant amount of
22 harassment through emails, and unfortunately, even spread
23 into my personal life where my wife was affected. They
24 were posting pictures of my four kids all over the
25 Internet. So it was somewhat of a difficult time on my

1 end, and I think what prompted me to reach out to Mr.
2 Jackson was to figure out what's going on. Why is my
3 family all over the Internet? You know why are they
4 talking about me? Why am I getting all these hate emails?
5 So I think it was a conversation to figure out, hey, you
6 know, there's been several months that have passed. It
7 looks like there's some motions pending against us. I'm
8 getting a bunch of harassment. What's going on?

9 Q Do you have an understanding of why you were getting
10 hate mails, hate emails, hate communications, your wife,
11 your children, what did you conclude was the reason why you
12 were receiving that?

13 A I honestly don't know. I presume it was about comments
14 made to me in court or that were represented about ARCCA or
15 myself.

16 Q So just so I'm clear on that, it was you believe
17 regarding comments about ARCCA and whether and what? Can
18 you be a little bit more specific what your understanding
19 was?

20 A Well, I know that I received several emails that, you
21 know, insinuated that I perjured myself on the stand. Like
22 I said, it just -- and a lot of hateful comments just about
23 me and the work that I do. So I received several emails
24 with respect to that.

1 Q Sir, do you believe you have ever made an untruthful
2 statement at all with regard to this matter.

3 A No, sir.

4 Q Have you done your best to try to provide accurate and
5 truthful information in this matter?

6 A Yes.

7 Q Now to the last part, which is did the defense contract
8 you with regard to potential further work? I want to
9 separate out now move on from the work that you did with
10 regard to the US Department of Justice, your February 2024
11 report. We went all the way through the trial in that
12 matter. We went to the end of 2024. Now I want to come to
13 2025 and a different subject matter which is communications
14 with the defense about doing further work for this trial.

15 A Yes.

16 Q What was the nature of the communication and so we can
17 move through this rather quickly, but importantly I want to
18 get it complete and accurate, just describe what the
19 communications were on a timeline basis, subject matter,
20 and with regard to your understanding of why you were
21 contacted?

22 A So subsequent to that February 13th call, as I
23 mentioned, Alan had indicated -- Mr. Jackson indicated that
24 he preferred to utilize Signal to communicate. So we

1 exchanged a few messages and phone calls on that. Like I
2 said, they were rather short.

3 Q I'm going to interrupt you. Was there any discussion
4 about the reason for Signal because the prosecution had
5 been subpoenaing the phones of Mr. and Dr. -- Mrs. and Dr.
6 Read subpoenaing and seizing the phone of Ms. Read that
7 phones of defense attorneys had been requested to be looked
8 at, was there any understanding in your mind that there was
9 a need to go to Signal to protect the defense and the
10 integrity of the defense?

11 A I didn't know that was happening, but like I said, I
12 did not have a problem with communicating -- to me it was
13 just another messaging app. I know people use all
14 different types of applications, so I didn't have a problem
15 with it.

16 Q Was there anything in your mind nefarious or
17 underhanded about using Signal?

18 A No.

19 Q And my understanding is this is the first time you used
20 a Signal app with regard to a matter professionally; is
21 that correct?

22 A Correct.

23 Q Did you get any understanding from communications with
24 the defense that there was anything at all untoward about
25 communicating through Signal?

1 A No, I was not aware of any issue with using that
2 communication.

3 Q Was there any communication whatsoever that you can
4 recall on Signal that you have any concern about as you sit
5 here today?

6 A No.

7 Q And what were the majority of the communications, as
8 best you recall, with the defense on Signal?

9 A Well, as I described, I know that at that -- like I
10 said it was primarily confined to a pretty short window in
11 March. But Mr. Jackson had indicated that around that time
12 I think ARCCA was being litigated by this Court in terms of
13 our involvement in the case. I know that they had started
14 to, I think, receive discovery as it relates to the
15 Commonwealth's accident reconstructionist and biomechanist.
16 So they were, I think, interested in utilizing us,
17 potentially, in the second trial. So I think they had
18 submitted a letter to the US attorney's office to try to be
19 able to work with us. I said that on my end, I could reach
20 out to them because I hadn't heard from them in months, so
21 I think it was around mid-March, I had reached out to the
22 US attorney's office to try to get my own clarification on
23 whether or not we can move forward.

24 Q So I want to stop you there. I apologize for
25 interrupting you, sir. But what was the date that you

1 reached out to the US Department of Justice to see if you
2 could participate in the second trial?

3 A Probably around mid-March. Maybe March 18, March 15.

4 Q Did you have an understanding at that time that the
5 Commonwealth had retained an entirely new firm and expert
6 in the area of accident reconstruction?

7 A I think Mr. Jackson had indicated there had been some
8 material disclosed, but I think it was -- I think it was
9 just a simple report or something of that nature at the
10 point in time.

11 Q Was it a report or just like a page and a quarter or so
12 of findings and conclusions and then a slide presentation;
13 is that what it was?

14 A Yes, that sounds right.

15 Q Was any of that information at all helpful or
16 meaningful to you in your ability to respond to that and to
17 determine what was done and what ARCCA might want to do in
18 response?

19 A Well, certainly not the report. The report was very,
20 very brief. The PowerPoint somewhat hard to follow, but
21 again it really didn't provide a complete picture.

22 Q And in terms of scans, electronic data, et cetera, do
23 you recall when you finally got that information?

1 A Well, I think that would have been after the defense
2 officially retained us on March 26. I think that's when we
3 received that information.

4 Q So in terms of the information that you received, those
5 scans, et cetera, did that allow you to proceed with any
6 meaningful work?

7 A Well, it gave us, again, a better insight into the
8 foundation or the basis for the analysis, yes.

9 Q Could you have proceeded with a contract with anybody,
10 not just the defense, but anybody with the level of
11 information you had before you got the scans and the data?

12 A I think it would be very difficult to do so.

13 Q Could you have even created a scope of work based upon
14 that report and that PowerPoint presentation?

15 A Most likely not because some of the areas that Dr.
16 Rentschler and I are particularly interested in are
17 extremely vague in that report and PowerPoint.

18 Q Once you got the level of information that you have
19 now, what is the ordinary time it would take in the regular
20 course of ARCCA's business to evaluate that information and
21 prepare your own report, analysis, and finding? In the
22 ordinary course, how much time would it take ARCCA to do
23 that?

24 A Well certainly for the nature this case, as I
25 mentioned, we were officially retained by the defense in

1 March -- on March 26, 2025. As I mentioned, I myself just
2 got word from the Department of Justice just a day or two.
3 I think prior to that that we could move forward.

4 So immediately once Mr. Jackson -- I indicated to him
5 on the 26th that we did have authorization to move forward,
6 he immediately asked that I send over, again, our typical
7 procedure with the contract and retainer, and I think the
8 same day, either the 26th or the 27th, his office sent over
9 I believe links to notices of discovery I believe one
10 through sixty-two, which I think encompassed about eight
11 hundred gigabytes worth of information and data.

12 Q How much in relative term 800 gigabytes, is that a
13 little data, a medium amount of data or a lot of data?

14 A Voluminous. A lot of data. So we immediately started
15 to review that, and again, I feel like maybe I speak for
16 most experts, one thing we always want is more time, right.
17 So in a case like this, I mean ideally we would be talking
18 months to be able to sift through all of that information,
19 be able to do analysis, be able to do testing, be able to
20 write a report, right. So I think certainly we were on the
21 order of months, not weeks.

22 Q What did you do, however, if anything, to try to
23 expedite the work and get it done as quickly as you could
24 once you got the level of information you had from
25 Aperture?

1 A Certainly. So I certainly understood that the trial
2 was imminent. So I worked as quickly as I could, along with
3 Dr. Rentschler, to review that material and certainly in
4 parallel try to determine, okay, what testing do we need to
5 do to effectively evaluate and potentially come up with
6 opinions for this case.

7 Q Did you put other work aside in ARCCA to work on this
8 matter?

9 A Absolutely, work and personal things.

10 Q And personal things, what did you put aside, just one
11 example.

12 A So the other week, my wife and I we celebrated our ten
13 year anniversary.

14 MR. BRENNAN: Objection. Relevance.

15 THE COURT: So it affected his personal life. I
16 understand.

17 MR. ALESSI: Okay. I'll move on, Your Honor.

18 Q With regard to the work, you performed it on an
19 expedited basis as you said. You shortened the time period
20 down as much as your firm possibly could; is that correct?

21 A Correct.

22 Q You said you like to have had more time, correct?

23 A Correct, but I understood Your Honor's order, and I
24 wanted to meet that deadline, so I worked as quickly as I

1 could over the last week to ensure that, again, we could
2 respect that deadline and we completed our testing.

3 Q Okay. And with regard to the testing now that you've
4 worked on that you've just described, does that testing
5 relate to any previous work, or is it all in response to
6 the new expert for the Commonwealth Aperture and the new
7 information from Aperture that came in iterations through
8 the month of February?

9 A It would be in response to Dr. Wilcher's work.
10 Certainly, much of what was alluded to in his report and
11 PowerPoint was not discussed in the first trial.

12 Q Could you have done any of the work you've been working
13 on the past month or so, could you have done any of that
14 work without receiving the Aperture report and slides and
15 scans?

16 A No, I don't even know what we'd be responding to then.

17 Q So you needed the Aperture information before you could
18 even start working, correct?

19 A Correct.

20 Q Do you have in mind or does ARCCA have in mind any
21 further testing that you need to do, or have you completed
22 what ARCCA needs to do with regard to fairly and properly
23 responded to the new work of Aperture?

24 A I think we're satisfied we've completed that testing,
25 yes.

1 Q And what, if any, more work did you contemplate that
2 needs to be done from -- as you sit here today going
3 forward?

4 A Well, as I mentioned, all the testing is done so I
5 think the analysis in the report to follow, yes.

6 Q To use expert engineering to QA/QC the report, is it
7 putting it -- putting all the information together in a
8 compilation so everybody can understand what you've done
9 and make clear your findings and conclusions. Is that
10 what's left to do?

11 A Yes, and I will note, obviously, if the Court is aware
12 we produced all of that raw test data, photographs, video,
13 so it's all there. The basis and the foundation for what
14 the report will layout has all been provided to the Court.

15 Q You got ahead of me and thankfully to my next question,
16 which is there's nothing that you have, that you've done
17 that hasn't already been produced to -- pursuant to the
18 Court's order; is that correct?

19 A No, I think that we've responded to the offer order,
20 yes.

21 Q How long on an expedited basis -- well, let me ask you.
22 In the ordinary course, how long would it take you to
23 do this last part of your work in the ordinary course?

24 A Probably again it can vary. Maybe around a month would
25 be fair.

1 Q However, it would take a month in the ordinary course.
2 How quickly can you get that work done fairly?

3 A I'm hoping if it pleases the Court hopefully May 7,
4 will work.

5 Q And so you believe everything would be completed by May
6 7 --

7 A Correct.

8 Q -- your work?

9 MR. ALESSI: That's all I have at this point, Your
10 Honor.

11 THE COURT: All right. Mr. Brennan.

12 **REDIRECT EXAMINATION**

13 **BY MR. BRENNAN:**

14 Q Doctor, you're suggesting that it's going to take until
15 May 7, for you to complete the reports in this case?

16 A And the analysis, yes.

17 Q Do you know when this trial started?

18 A I think a week or so ago.

19 Q You provided the raw data last Friday?

20 A Yes.

21 Q But you would agree, you still have not provided any
22 reports?

23 A Correct.

1 Q You said that if you were notified and received
2 information, you could have your testing and opinions done
3 within a month, correct?

4 A Potentially. Again, it would also depend on when we
5 got authorization from the Department of Justice, which, as
6 I mentioned, was at the very end of March.

7 Q I understand that. We're going to talk about that
8 separately. I'm talking specifically about how long it
9 would take, if you received the information, you said you
10 could have the testing and reports done in one month,
11 correct?

12 A I don't know that I said the testing and the reports
13 and everything.

14 Q Would it take longer than a month?

15 A Ideally. I think it depends on what kind of a report
16 that we're talking about. I think if it's something along
17 the lines that Dr. Wilcher produced, I think it could be
18 pretty quick.

19 Q You said March 26, is when you received authorization,
20 and you're going to have things done by May 7. So that's a
21 month and a week?

22 A Sounds about right.

23 Q Okay. Do you know when the Commonwealth in this case
24 turned over Dr. Wilcher's information to the defense, do
25 you know?

1 A I don't know, no.

2 Q Did you know that it was turned over in the report on
3 January 30?

4 A Just a report?

5 Q Yes.

6 A I didn't know that.

7 Q And the file and its entirety was turned over by
8 February 5; did you know that?

9 MR. ALESSI: Objection, Your Honor.

10 THE COURT: Do you know that?

11 THE WITNESS: I don't, Your Honor.

12 Q And you had a month from February 5, to complete your
13 testing and report, you could have been done by March 5, or
14 even the second week of March, couldn't you?

15 A Presuming we had authorization, the defense had
16 authorization from the Department of Justice as well as
17 ARCCA, yes.

18 Q Putting aside the authorization. I'm going to ask you
19 about that. But just the time you need to test, if you knew
20 or received the information by February 5, you could have
21 been done by March 5, or mid-March, couldn't you?

22 A Potentially, yes.

23 Q Well, you're going to get it done that quickly now. So
24 wouldn't that be an accurate guide to when you could have
25 done it then?

1 A It's certainly not ideal, but we certainly are working
2 as quickly as we can.

3 Q I know it's not ideal, but isn't it the same time
4 frame? Whatever it's going to take you from March 26, you
5 could have done from February 5, true?

6 A Again, I don't know the timeline in terms of what was
7 exactly produced when from Dr. Wilcher, so I'm not aware of
8 that.

9 Q But I'm not asking about the timeline. I'm talking
10 about the time needed to deal with this information you
11 said you could have done in around a month?

12 A I think a month or more, yes.

13 Q So your contract with the federal government ended --
14 ARCCA's did in June of 2024, didn't it?

15 A I believe it was sometime last year, yes.

16 Q Do you know the Commonwealth notified the defense that
17 they were going to have a new expert back in October of
18 2024?

19 A No.

20 Q Are you were aware of any effort by ARCCA or the
21 defense to try to facilitate an agreement that the defense
22 could use ARCCA as witnesses back in October or November of
23 2024?

24 A No.

1 Q Are you aware of any efforts by the defense to try to
2 notify the federal government to be able to use ARCCA in
3 December or January?

4 A No.

5 Q And so as far as you knew, this came out of nowhere in
6 March that the defense wanted to use ARCCA, or specifically
7 you and Dr. Rentschler, in late March of 2025?

8 A No, I think, again, it was like I said around February
9 of 2025. I know that, like I said, when I spoke to Mr.
10 Jackson, that he had indicated that the ARCCA issue was
11 being litigated, and I think that, like I said, there was,
12 I think, multiple motions pending against us, and he didn't
13 even know if he could move forward with us at that point in
14 time.

15 Q Do know why the defense waited until February of 2025,
16 to even seek permission from the federal government to
17 retain you and Dr. Rentschler so you could review those
18 areas?

19 MR. ALESSI: Objection, Your Honor.

20 THE COURT: Do you know? Do you happen to know that?

21 THE WITNESS: I don't know, no.

22 THE COURT: Okay. Next question.

23 Q You shared with us communications you had with the
24 United States Attorney's office. Were your receiving

1 information in this case since the last trial from the
2 defense or from the United States attorney's office?

3 A What do you mean with respect to information?

4 Q Evidence, discovery, information.

5 A From the Department of Justice?

6 Q Anybody.

7 A No, not until recently, no.

8 Q So haven't seen any discovery until after February of
9 2025, isn't that fair to say?

10 A Correct.

11 Q Now, when you were involved in this case before trial
12 last year, you talked about your communications and
13 conversations with the defense. Was anybody giving you
14 information as an intermediary? Was anybody updating you on
15 the defense of the case or giving other information to you?

16 A Yeah, I think I previously testified that the
17 Department of Justice was closely watching the trial and
18 providing us information.

19 Q What information were they providing you about the
20 trial?

21 A I think that they provided information regarding the --
22 some of the witnesses that had testified with respect to I
23 think the reconstructionist. I think some of the evidence.

24 Q So when the Department of Justice was giving you
25 information during the trial about witnesses, what

1 witnesses do you remember they were giving you information
2 about?

3 A One that comes to mind was -- and I don't even recall
4 his name. It would have been the accident
5 reconstructionist.

6 Q Is it a coincidence that when you were receiving
7 information from the Department of Justice about particular
8 witnesses testifying in this case, is it a coincidence that
9 your phone calls and text messages are more frequent?

10 A Is it a coincidence?

11 Q Yes.

12 A I presume so.

13 Q Well, when you were receiving information from the
14 Department of Justice about witness testimony in this case,
15 was that part of the catalyst for you to either call or
16 text the defense and ask questions?

17 A No.

18 Q Did you ever share any of the information you received
19 from the Department of Justice with the defense?

20 A No.

21 Q When you were receiving information from the Department
22 of Justice about witness testimony, that was before you
23 testified, correct?

24 A Correct.

1 Q And part of that when they were giving you information,
2 did they ever give you any live video?

3 A No, it was just verbal communication.

4 Q And they were giving you updates and summaries of
5 testimony? A I wouldn't say summaries. They just pointed
6 out some key things I think that came out.

7 Q What are the key things they were talking about with
8 the reconstructionist testimony? What were they telling
9 you?

10 A I think it was as it relates to the arm being
11 outstretched, and I think some the kinematics of the
12 pedestrian. I also think there was some mention of some
13 potential DNA evidence.

14 Q And is that how at trial, even though you had no
15 evidence that was produced as part of your report, or to
16 consider for your report that you knew that there was DNA
17 evidence because of the intermediary?

18 A Because of the Department of Justice?

19 Q Yes.

20 A Yes.

21 Q Did you know that there was a sequestration order in
22 this case that you were not supposed to consider or review
23 other witness's testimony or information; did you know
24 that?

25 A I was never made aware of that.

1 Q Nobody made you aware of a sequestration order in this
2 case?

3 A No.

4 Q But you did in fact receive information about other
5 witness's testimony before you testified in this case in
6 front of a jury, didn't you?

7 A From the Department of Justice, yes.

8 Q What other witnesses were you advised about their
9 testimony and issues in this case before you testified in
10 this case?

11 A That's all I recall.

12 Q You said there was more than one. You said some
13 witnesses. Take a moment. Think back. What other
14 witnesses stand out that you were offered information from
15 the Department of Justice about this case before you
16 testified?

17 A As I mentioned, I don't know which witness provided the
18 DNA information, but I would presume that that's the other
19 witness, yes.

20 Q So you heard information, you learned that there was
21 information and testimony about DNA?

22 A Yes.

23 Q And certainly, when you took that information before
24 testified, you considered it when you testified, didn't
25 you?

1 A No, again, our report was already solidified so it
2 didn't change my opinion in any way.

3 Q Not about whether it changed your opinion. You
4 testified about DNA, didn't you?

5 A I don't believe that I did, no.

6 MR. BRENNAN: I'm going to approach if I may, Your
7 Honor.

8 THE COURT: Okay.

9 Q This is your outline with your comments. Do you
10 recognize this?

11 A Yes.

12 MR. BRENNAN: I would like to introduce that as an
13 exhibit, please. Thank you.

14 (Whereupon Exhibit No. 3, Mr. Wolfe's Outline, was marked
15 as an exhibit.)

16 Q So as an expert, when you receive information, you need
17 time to look at the raw data, don't you?

18 A Potentially, yes.

19 Q You need time to look at a report of another expert,
20 don't you?

21 A Potentially.

22 Q And then you got to consider whether or not you think
23 that they're testing is accurate; you can test their
24 testing, can't you?

25 A You can, yes.

1 Q And can also generate new tests based on what you've
2 read if you think there was some explanation needed, yes?

3 A Perhaps, yes.

4 Q And then you provide a report?

5 A Yes.

6 Q So it's fair to say when an expert introduces new
7 information testing materials, it takes about if not at
8 least a month to process through that information, vet it,
9 and then consider your own testing?

10 A Well, if they've already authored a report and done
11 their own testing, that should be solidified and
12 memorialized already.

13 Q Well, there's if new there's testing. If a new expert
14 does something new, and an expert wants to look at it, you
15 would agree to sift through that much information and
16 consider and vet it, and then do independent testing, it
17 could take over a month, couldn't it?

18 A If it's necessary.

19 Q And it would be the expert that determines whether or
20 not that was necessary, wouldn't it?

21 A Sure.

22 Q And if your report is not due until May 7 -- is that
23 what you said May 7?

24 A Yes.

1 Q May 7, you could take an expert if they wanted to do
2 testing based on new testing that you provided over a
3 month, couldn't it? A It depends. I can't answer that.

4 Q When you wrote that initial report, you provided the
5 report, how many pages was it - ten, twelve pages?

6 A The original DOJ report?

7 Q The report that you produced in this case with their
8 opinions, yes.

9 A That sounds about right.

10 Q Okay. You never gave the raw data to that report, did
11 you?

12 A No, it was all protected.

13 Q It was all what?

14 A It was protected. It's classified.

15 Q Have you been asked for it? Has there been a request
16 made for all the raw data that formed the basis of your
17 opinions of those initial opinions?

18 A My understanding from communication with Department of
19 Justice is that all communication and work product is
20 protected and cannot be disclosed.

21 Q So that raw data that's necessary to you for your
22 evaluation and your testing, that wasn't provided in this
23 case, was it?

24 A For the first trial?

25 Q Yes.

1 A No.

2 Q And videos of the -- it was built like a potato cannon,
3 right?

4 THE COURT REPORTER: I'm sorry, what?

5 MR. BRENNAN: Potato cannon.

6 A If that's how you want to characterize it, sure.

7 Q Okay. Did you take videos of it when you were doing
8 your demonstrations and tests?

9 A Yes.

10 Q You never turned over those videos, did you?

11 A Again, we're talking about trial one. As I mentioned
12 for trial two, we --

13 Q I'm asking about trial one. So, no, I want you to
14 focus on --

15 A Okay. No, that was not produced, no.

16 Q Never turned any of that -- those videos, did you?

17 A Again, we were not able to.

18 Q And was there any field testing the first time around?

19 A No.

20 Q In addition to videos, I'm sure you had other raw data,
21 notes, photographs, right?

22 A Yes.

23 Q And so when you look at a report, so for example, you
24 saw Dr. Wilcher's reporting and you had access now to his
25 file and data, correct?

1 A Correct.

2 Q You reviewed that, didn't you?

3 A Yes.

4 Q Because to be fair, you need to review not just the
5 report, that just someone's opinion, you need to review the
6 raw data, don't you, to get an accurate understanding of an
7 opinion?

8 A Right, which we had already provided in response to Dr.
9 Wilcher.

10 Q Without video and without the raw data, as an expert
11 there's no ability to really vet the reliability of your
12 first experiments that led to your testimony in trial one,
13 is there?

14 A I think you might be confused. Again, our role for
15 this round --

16 Q I don't think I am.

17 MR. ALESSI: Objection, Your Honor. He should be
18 allowed to answer his question.

19 Q I don't think I'm confused. I'm talking about trial
20 one.

21 A Right.

22 Q You had a 12 page report. You provided no videos, no
23 raw data, no notes, correct?

24 A Correct. But for this trial, sir, we are being asked
25 to respond to Dr. Wilcher, okay?

1 Q That's not what I'm asking.

2 A We have provided everything that he would need to
3 evaluate the testing that we have done.

4 Q That's not what I'm asking you. What if he wants to
5 evaluate the testing you did the first time? Are you going
6 to come into court, do you hope to testify about the
7 opinions you gave the first time about those four opinions?

8 A I don't know what the defense's plan is for us.

9 Q Okay.

10 A My understanding is to evaluate and respond to Dr.
11 Wilcher.

12 THE COURT: With that, I need to see counsel at
13 sidebar.

14 (Sidebar commences:

15 THE COURT: All right. I'd like this to be wrapped up
16 today.

17 MR. BRENNAN: Yes.

18 THE COURT: Do you want Dr. Rentschler?

19 MR. BRENNAN: I'd like to ask him a few questions. I
20 don't have any questions for him. I think the point is
21 established.

22 THE COURT: All right. What I'd like to do, Mr. Alessi,
23 is not have Dr. Rentschler have to come back on Thursday.

24 MR. ALESSI: Did you say Thursday?

1 THE COURT: Thursday, it's the only day we have, and
2 I'd rather not bring these two people back.

3 MR. BRENNAN: I can try and do it in five minutes.

4 THE COURT: All right. Can we do that?

5 MR. ALESSI: I only would have three to five minutes of
6 follow-up ideal.

7 THE COURT: All right. I don't think we're going to
8 finish today.

9 MR. ALESSI: Could I just consult, Your Honor.
10 (Counsel confer.)

11 THE COURT: A lot of this is probably just argument on
12 record -- on your --

13 MR. ALESSI: I was just going to say, Your Honor, can I
14 just say this? There are significant budget issues that
15 prevent --

16 THE COURT: Well, so that's why I'm trying -- that's
17 why I called you now.

18 MR. ALESSI: I'm not interrupting. I'm just pulling my
19 pen out to write.

20 THE COURT: With your mouth wide open ready to talk.
21 Do you have five minutes or less -- I'm giving you five
22 minutes.

23 MR. BRENNAN: I'll stay within five minutes.

24 THE COURT: Do you need to do any cross or whatever you
25 want to do of Rentschler?

1 MR. ALESSI: No, no.

2 THE COURT: I don't think you do.

3 MR. ALESSI: No, I can do it all in argument.

4 THE COURT: All right. So let's bring Rentschler in.

5 MR. BRENNAN: Okay.

6 THE COURT: We don't need this witness. I'm trying not
7 to have you --

8 MR. ALESSI: I appreciate that.

9 THE COURT: -- pay for bringing --

10 MR. ALESSI: I appreciate that.

11 THE COURT: -- back, so the more quickly we do this
12 we're finishing walking out the door at 4:30.

13 MR. ALESSI: Thank you.

14 end of sidebar.)

15 THE COURT: Dr. Wolfe, I'm going to ask you to step
16 down. You're all set. And let's bring Dr. Rentschler in,
17 please.

18 THE WITNESS: Thank you, Your Honor.

19 ANDREW RENTSCHLER, sworn

20 THE COURT: All right. Dr. Rentschler, this is going to
21 be very quick. Go ahead, Mr. Brennan, if he would just
22 state his name.

23 MR. BRENNAN: Thank you.

24 **DIRECT EXAMINATION**

25 **BY MR. BRENNAN:**

1 Q Good afternoon, Doctor.

2 A Good afternoon.

3 Q Could you please state your name for the record and
4 spell it?

5 A Dr. Andrew John Rentschler, A-N-D-R-E-W J-O-H-N
6 R-E-N-T-S-C-H-L-E-R.

7 Q You've testified before in this case?

8 A I have, yes, sir.

9 Q In the last voir dire and the past trial?

10 A That's correct.

11 Q Did you have conversations or communications with the
12 defense before your last testimony?

13 A I did, yes.

14 Q Did you use text messages to communicate?

15 A I believe there was maybe one text messages.

16 Q How about phone calls?

17 A There was maybe one or two phone calls I believe.

18 Q Would it be fair to say there was six text messages to
19 you?

20 A I believe I sent one and then there were five sent to
21 me.

22 Q And were there 23 phone calls?

23 A No, I don't believe so.

24 Q Have you looked at the records outlining the phone
25 calls that supposedly you made to the defense?

1 A I've looked at the records from the defense, but then I
2 looked at my own records which indicated different number
3 only three phone calls I believe.

4 Q So the 23 phone calls that are summarized, you don't
5 think you make those phone calls?

6 A No, if you look at them it's like one minute, two
7 minute, and three minute, and in that time period,
8 according to my records, I have like a 21 minute phone call
9 that encompasses most of that time.

10 Q Did you discuss with the defense before your testimony
11 anything about this case?

12 A I don't believe so, no.

13 Q When you say you don't believe so, do you remember
14 speaking to them about this case at all?

15 A I remember speaking about my qualifications and my
16 background, and I believe that's it.

17 Q Did you ever use any other medium to have conversations
18 with the defense other than texts or emails or phone calls?

19 A No, sir.

20 Q Did you ever communicate with them on Signal?

21 A No, sir.

22 Q Why not?

23 A There was no reason to.

24 Q As an expert when you communicate with clients, there's
25 no concern about having it in writing, is there?

1 A I'm sorry. When I --

2 Q Keeping a record, whether it's a phone call or a text
3 message, or an email, there's no concerns when you're
4 dealing with clients having a record of that, is there?

5 A I don't believe that ARCCA has any specific policy for
6 that, no, sir.

7 Q Did you keep track of your hours prior to your
8 testimony?

9 A I did, yes.

10 Q And when you -- before you testified, did you have
11 conversations with people from the Department of Justice
12 about this case?

13 A Yes, I did.

14 Q Did they inform you about witness testimony?

15 A They did inform me, yes, about testimony and situations
16 and events that came forth in the trial that I was not
17 aware of.

18 Q Who decided whether it was going to be an issue worthy
19 of talking about before trial?

20 A With the DOJ you mean?

21 Q Yeah.

22 A Well, that certainly that would have been up to the
23 DOJ. I would have conversations with them. I don't
24 believe that I asked to request anything --

25 Q Sure.

1 A -- but they'd call us to update us about what was going
2 on.

3 Q Do you know why they were calling and raising certain
4 issues with you?

5 A I do not know, no, sir.

6 Q And by calling and raising issues and telling you
7 information, even if you weren't requesting it, helped
8 prepare you for your trial testimony, didn't it?

9 A It certainly helped prepare to understand what was
10 going on during the trial, yes.

11 Q Do you know there was a sequestration order, that there
12 was supposed be no discussion of testimony and issues that
13 were occurring in the courtroom --

14 MR. ALESSI: Objection, Your Honor.

15 Q Excuse me. Before you testified?

16 MR. ALESSI: Objection, Your Honor.

17 THE COURT: I'm going to allow it. Were you aware of
18 that, sir?

19 A No, I was not.

20 Q After you had testified, did you -- well, before you
21 testified, did you get a chance to meet with anybody from
22 the defense?

23 A Just when I came to Court I think for the voir dire is
24 the first time I met them.

1 Q Did you spend time with the defendant -- the defense
2 after your testimony?

3 A After my testimony at trial for the 24th, yes, I was
4 provided a ride back to the airport, and I believe I was
5 the last witness, so before my ride to the airport, they
6 said there's some lunch next door. We need to get somebody
7 else to take you to the airport. Come over, have lunch. I
8 had lunch, stood in the corner, and then got a ride back to
9 the airport.

10 Q Spend time with the defendant and her family?

11 A They were certainly there.

12 Q Did you talk to them?

13 A Well, they talked to me. As I said, I ate my lunch,
14 and then I actually went and stood in the corner and then I
15 believe some people came over to talk to me and approached
16 me.

17 Q So you spent some time with them?

18 A Certainly, yes.

19 Q Okay. And, sir, I understand your report is not going
20 to be ready until May 7, or after?

21 A I believe currently that's what the estimated deadline
22 is.

23 Q And so in evaluating Dr. Wilcher's materials, you
24 wanted to look at the raw data, the conclusions, the
25 findings, the PowerPoint, all of the materials, correct?

1 A Yes, you'd like to review all the materials before
2 coming up.

3 Q So you can make a decision on what you feel is
4 appropriate to contest or maybe agree with and then do your
5 own testing if necessary, correct?

6 A To be able to respond to what those opinions and
7 allegations are, yes.

8 Q And it's taking you at least a month to fairly do that,
9 hasn't it?

10 A Well, I believe -- I mean, that's what we've had a
11 month. I don't know if it's taken us a month. That's
12 basically all we've had up until this point to do that.

13 Q And it's still not done?

14 A No, not yet. No, sir.

15 THE COURT: All right. Is that it, Mr. Brennan?

16 MR. BRENNAN: That's it. Thank you.

17 THE COURT: All right. Can we get that report may be
18 completed before the 7th, if I order you to do so?

19 THE WITNESS: If you ordered me to do so, I mean, I
20 could certainly try to expedite it, yeah.

21 THE COURT: All right. I appreciate that. Thank you
22 very much. You're all set, sir.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: All right. Let me see counsel at sidebar.

25 (Sidebar commences:

1 THE COURT: All right. So I'll give you tomorrow we'll
2 break with the jury at some point around 4:00, maybe
3 quarter of four. I'll give you each ten, fifteen minutes
4 tops to argue this.

5 MR. BRENNAN: Thank you.

6 MR. ALESSI: Thank you, Your Honor.

7 THE COURT: All right. So see you tomorrow.

8 end of sidebar.)

9 (Court in recess at 4:23 p.m.)

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C E R T I F I C A T I O N

I, CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC, DO HEREBY
CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT
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Christine D. Blankenship, May 17, 2025

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